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March 16, 2009

SALUS POPULI SUPREMA LEX ESTO

"The welfare of the people shall be the supreme law."

ROBIN CARNAHAN

SECRETARY OF STATE

MISSOURI REGISTER

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December 1, 2008	**January 2, 2009**	January 29, 2009	February 28, 2009
December 15, 2008	**January 16, 2009**	January 29, 2009	February 28, 2009
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August 17, 2009	**September 15, 2009**	September 30, 2009	October 30, 2009
September 1, 2009	**October 1, 2009**	October 31, 2009	November 30, 2009
September 15, 2009	**October 15, 2009**	October 31, 2009	November 30, 2009

Documents will be accepted for filing on all regular workdays from 8:00 a.m. until 5:00 p.m. We encourage early filings to facilitate the timely publication of the *Missouri Register*. Orders of Rulemaking appearing in the *Missouri Register* will be published in the *Code of State Regulations* and become effective as listed in the chart above. Advance notice of large volume filings will facilitate their timely publication. We reserve the right to change the schedule due to special circumstances. Please check the latest publication to verify that no changes have been made in this schedule. To review the entire year's schedule, please check out the website at http://www.sos.mo.gov/adrules/pubsched.asp

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HOW TO CITE RULES AND RSMo

RULES—Cite material in the *Missouri Register* by volume and page number, for example, Vol. 28, *Missouri Register*, page 27. The approved short form of citation is 28 MoReg 27.

The rules are codified in the *Code of State Regulations* in this system—

Title	***Code of State Regulations***	**Division**	**Chapter**	**Rule**
1	CSR	10-	1.	010
Department		Agency, Division	General area regulated	Specific area regulated

They are properly cited by using the full citation , i.e., 1 CSR 10-1.010.

Each department of state government is assigned a title. Each agency or division within the department is assigned a division number. The agency then groups its rules into general subject matter areas called chapters and specific areas called rules. Within a rule, the first breakdown is called a section and is designated as (1). Subsection is (A) with further breakdown into paragraph 1., subparagraph A., part (I), subpart (a), item I. and subitem a.

RSMo—The most recent version of the statute containing the section number and the date.

The Secretary of State shall publish all executive orders beginning January 1, 2003, pursuant to section 536.035.2, RSMo Supp. 2008.

EXECUTIVE ORDER
09-09

WHEREAS, the Department of Higher Education is authorized pursuant to Article IV, sections 12 and 52 of the Missouri Constitution, and Chapter 173, RSMo; and

WHEREAS, the Department of Elementary and Secondary Education is authorized pursuant to Article IV, Section 12 of the Missouri Constitution and Chapter 161, RSMo; and

WHEREAS, the Department of Agriculture is authorized pursuant to Article IV, sections 12 and 35 of the Missouri Constitution and Chapter 261, RSMo; and

WHEREAS, the Department of Natural Resources is authorized pursuant to Article IV, sections 12 and 47 of the Missouri Constitution and Chapter 640, RSMo; and

WHEREAS, the State of Missouri has many different higher education grant and scholarship programs which are administered by a number of different government agencies; and

WHEREAS, this causes difficulty for Missouri students and their parents when they are trying to determine how much state aid is available to assist them with higher education expenses; and

WHEREAS, the A+ Schools Program is authorized pursuant to Section 160.545, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the A+ Schools Program provides scholarships to qualifying Missouri students to receive funding for two years at a community college or vocational or technical school; and

WHEREAS, the Missouri Teacher Education Scholarship Program is authorized pursuant to Section 160.276, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Missouri Minority Teaching Scholarship Program is authorized pursuant to Section 161.415, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Urban Flight and Rural Needs Scholarship Program is authorized pursuant to Section 173.232, RSMo, and is currently administered by the Department of Elementary and Secondary Education; and

WHEREAS, the Large Animal Veterinary Student Loan Program is authorized pursuant to Sections 340.335 through 340.396, RSMo, and is currently administered by the Missouri Department of Agriculture; and

WHEREAS, the Minority and Underrepresented Environmental Literacy Program is authorized pursuant to Section 640.240, RSMo, and is currently administered by the Department of Natural Resources; and

WHEREAS, the Department of Higher Education already administers the vast majority of state grants and scholarships; and

WHEREAS, the Department of Higher Education has significant expertise in all areas of higher education funding; and

WHEREAS, centralizing state grant and scholarship programs in the Department of Higher Education allows Missouri students and their parents to work with one agency when they apply for various types of financial aid and have questions about post-secondary education; and

WHEREAS, the mission of the Department of Higher Education is to deliver an affordable, quality, coordinated post-secondary education system and increase successful participation, benefiting all Missourians; and

WHEREAS, I am committed to promoting new pathways to higher education and consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the education assistance portion of the A+ Schools Program, the Missouri Teacher Education Scholarship Program, the Missouri Minority Teaching Scholarship Program, the Urban Flight and Rural Needs Scholarship Program, the Large Animal Veterinary Student Loan Program, and the Minority and Underrepresented Environmental Literacy Program to the Department of Higher Education by Type I transfer, as defined under the Reorganization Act of 1974.

2. Develop mechanisms and processes necessary to effectively transfer the above scholarship programs to the Department of Higher Education.

3. Transfer the responsibility for staff support for the above scholarship programs to the Department of Higher Education.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95th General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 2009.

Jeremiah W. (Jay) Nixon
Governor

ATTEST:

Robin Carnahan
Secretary of State

EXECUTIVE ORDER
09-10

WHEREAS, the Department of Elementary and Secondary Education is authorized pursuant to Article IV, Section 12 of the Missouri Constitution and Chapter 161, RSMo; and

WHEREAS, the Department of Economic Development is authorized pursuant to Article IV, sections 12 and 36(a) of the Missouri Constitution and Chapter 620, RSMo; and

WHEREAS, Sections 620.470 through 620.481, RSMo, authorize the Missouri Job Development Fund and the state's Customized Training Program; and

WHEREAS, the Missouri Customized Training Program is currently administered by two state departments, as section 620.478, RSMo, outlines that appropriations from the fund go to the Department of Elementary and Secondary Education for the purpose of contractual services for vocational-related training; and

WHEREAS, the Missouri Customized Training Program assists eligible businesses by providing funding to reduce training costs, raise and maintain the skill level of Missouri's workers, and improve productivity to remain competitive; and

WHEREAS, the Missouri Customized Training Program focuses on new and expanding industries that are tied to high wages and state-identified business clusters; and

WHEREAS, Missouri's other industry training programs are already assigned to the Department of Economic Development; and

WHEREAS, the Department of Economic Development's mission is to promote economic growth and the department is the lead agency on workforce issues for Missouri businesses; and

WHEREAS, current duties for delivering similar services assigned to these two state departments are duplicative, inefficient, and ineffective; and

WHEREAS, state funding for customized training programs should be streamlined and will be more efficient if administered by a single state agency; and

WHEREAS, I am committed to promoting creation of new, competitive wage jobs and consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Department of Elementary and Secondary Education and the Department of Economic Development to:

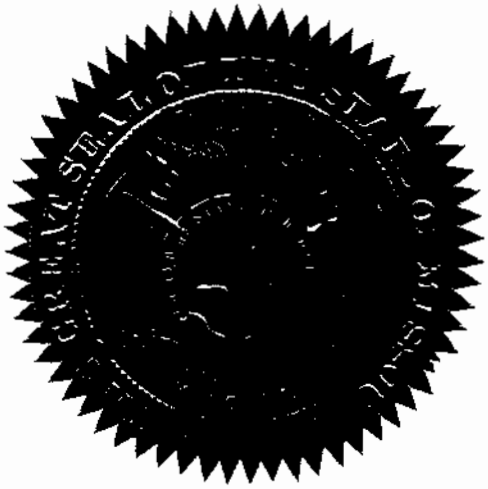
1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the Missouri Customized Training Program to the Department of Economic Development by Type I transfer, as defined under the Reorganization Act of 1974.

2. Develop mechanisms and processes necessary to effectively transfer the Customized Training Program to the Department of Economic Development.

3. Transfer the responsibility for staff support for the Customized Training Program to the Department of Economic Development.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95th General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 2009.



Jeremiah W. (Jay) Nixon
Governor

ATTEST:

Robin Carnahan
Secretary of State

EXECUTIVE ORDER
09-11

WHEREAS, the Department of Health and Senior Services is authorized pursuant to Chapter 192, RSMo; and

WHEREAS, Section 192.935, RSMo, places administration of the Blindness Education, Screening and Treatment (BEST) Program Fund with the Department of Health and Senior Services; and

WHEREAS, the Missouri Department of Social Services is authorized pursuant to Article IV, Section 12, of the Missouri Constitution and Chapter 660, RSMo; and

WHEREAS, Chapter 209 governs the Department of Social Services' programs related to persons with visual, hearing, or physical disabilities; and

WHEREAS, the Department of Social Services' Family Support Division oversees Rehabilitation Services for the Blind; and

WHEREAS, the Rehabilitation Services for the Blind's stated mission is to create opportunities for eligible blind and visually impaired persons in order that they may attain personal and vocational success; and

WHEREAS, a portion of the BEST Program's funding was transferred from the Department of Health and Senior Services to the Department of Social Services in the Fiscal Year 2008 budget and additional funding was added to the Department of Health and Senior Services' budget for children's eye examinations in Fiscal Year 2009; and

WHEREAS, current duties for delivering similar services assigned to these two state departments are duplicative, inefficient, and ineffective; and

WHEREAS, I am committed to consolidating executive branch operations to ensure that the state delivers vital services in the most efficient and effective manner possible.

NOW, THEREFORE, I, JEREMIAH W. (JAY) NIXON, GOVERNOR OF THE STATE OF MISSOURI, by virtue of the authority vested in me by the Constitution and the laws of the State of Missouri, do hereby order the Department of Health and Senior Services and the Department of Social Services to:

1. Transfer all the authority, powers, duties, functions, records, personnel, property, contracts, budgets, matters pending, and other pertinent vestiges of the BEST Program to the Department of Social Services by Type I transfer, as defined under the Reorganization Act of 1974.

2. Develop mechanisms and processes necessary to effectively transfer the BEST Program to the Family Support Division's Rehabilitation Services for the Blind in the Department of Social Services.

3. Transfer the responsibility for staff support for the program to the Department of Social Services' Family Support Division.

This Order shall become effective no sooner than August 28, 2009, unless disapproved within sixty days of its submission to the First Regular Session of the 95th General Assembly.

IN WITNESS WHEREOF, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Missouri, in the City of Jefferson, on this 4th day of February, 2009.

Jeremiah W. (Jay) Nixon
Governor

ATTEST:

Robin Carnahan
Secretary of State

Under this heading will appear the text of proposed rules and changes. The notice of proposed rulemaking is required to contain an explanation of any new rule or any change in an existing rule and the reasons therefor. This is set out in the Purpose section with each rule. Also required is a citation to the legal authority to make rules. This appears following the text of the rule, after the word "Authority."

Entirely new rules are printed without any special symbology under the heading of the proposed rule. If an existing rule is to be amended or rescinded, it will have a heading of proposed amendment or proposed rescission. Rules which are proposed to be amended will have new matter printed in boldface type and matter to be deleted placed in brackets.

An important function of the *Missouri Register* is to solicit and encourage public participation in the rulemaking process. The law provides that for every proposed rule, amendment or rescission there must be a notice that anyone may comment on the proposed action. This comment may take different forms.

If an agency is required by statute to hold a public hearing before making any new rules, then a Notice of Public Hearing will appear following the text of the rule. Hearing dates must be at least thirty (30) days after publication of the notice in the *Missouri Register.* If no hearing is planned or required, the agency must give a Notice to Submit Comments. This allows anyone to file statements in support of or in opposition to the proposed action with the agency within a specified time, no less than thirty (30) days after publication of the notice in the *Missouri Register*.

An agency may hold a public hearing on a rule even though not required by law to hold one. If an agency allows comments to be received following the hearing date, the close of comments date will be used as the beginning day in the ninety (90)-day-count necessary for the filing of the order of rulemaking.

If an agency decides to hold a public hearing after planning not to, it must withdraw the earlier notice and file a new notice of proposed rulemaking and schedule a hearing for a date not less than thirty (30) days from the date of publication of the new notice.

Proposed Amendment Text Reminder:
Boldface text indicates new matter.
[Bracketed text indicates matter being deleted.]

Title 2—DEPARTMENT OF AGRICULTURE
Division 100—Missouri Agricultural and Small Business Development Authority
Chapter 2—Beginning Farmer Loan Program

PROPOSED AMENDMENT

2 CSR 100-2.020 Applicant Eligibility Requirements. The Missouri Agricultural and Small Business Development Authority is deleting section (3).

PURPOSE: This amendment removes the net worth qualification for the program.

[(3) The applicant must have a low or moderate net worth not to exceed one hundred fifty thousand dollars ($150,000). The net worth of an applicant includes:

(A) If an individual—the individual, individual's spouse and minor children's net worth must be considered as the total net worth of the individual; and

(B) If a partnership—net worth must include the net value of the partners' capital accounts.]

*[(4)]***(3)** The applicant must be unable to obtain a loan of equivalent terms from conventional sources without participation by the authority.

*AUTHORITY: section 348.075, RSMo [1986] **2000**. Original rule filed July 12, 1984, effective Oct. 11, 1984. Amended: Filed Feb. 11, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500).

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500).

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Agricultural and Small Business Development Authority, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 100—Missouri Agricultural and Small Business Development Authority
Chapter 2—Beginning Farmer Loan Program

PROPOSED AMENDMENT

2 CSR 100-2.030 Time and Manner of Filing Application. The Missouri Agricultural and Small Business Development Authority is deleting sections (3) and (5).

PURPOSE: This amendment removes the requirements that the applicant must submit their application at least twenty (20) working days before the board meeting in which it will be considered and removes the requirement that the lender must file three (3) copies of the application.

[(3) A complete application must be on file for at least twenty (20) working days prior to the authority meeting at which the application will be considered.]

*[(4)]***(3)** The application shall be jointly executed by the applicant and the lender on forms provided by the authority.

[(5) Three (3) complete copies of the application must be filed by the lender.]

*AUTHORITY: section 348.075, RSMo [1986] **2000**. Original rule filed July 12, 1984, effective Oct. 11, 1984. Amended: Filed Feb. 11, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500).

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500).

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Agricultural and Small Business Development Authority, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

Title 2—DEPARTMENT OF AGRICULTURE
Division 100—Missouri Agricultural and Small Business Development Authority
Chapter 2—Beginning Farmer Loan Program

PROPOSED AMENDMENT

2 CSR 100-2.040 Fees. The Missouri Agricultural and Small Business Development Authority is amending sections (1) and (2).

PURPOSE: This amendment increases the fees to pay for the bond counsel and Missouri Department Of Economic Development's bond issuance, as well as other administrative costs of the program.

(1) The authority will receive a nonrefundable *[fifty dollar ($50)]* **three hundred dollar ($300)** application fee submitted with the application.

(2) The authority will receive a program participation fee equal to *[one and one-half percent (1 1/2%)]* **one and fifty-five hundredths percent (1.55%)** of the amount of the loan, but not less than five hundred dollars ($500) upon loan closing.

*AUTHORITY: section 348.075, RSMo [1986] **2000**. Original rule filed July 12, 1984, effective Oct. 11, 1984. Amended: Filed Feb. 15, 1991, effective July 8, 1991. Amended: Filed Feb. 11, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500).

PRIVATE COST: This proposed amendment is estimated to cost all affected parties three thousand seven hundred thirty-five dollars and sixty-two cents ($3,735.62) per year in total.

NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Agricultural and Small Business Development Authority, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the ***Missouri Register****. No public hearing is scheduled.*

FISCAL NOTE
PRIVATE COST

I. RULE NUMBER

Department Title: Department Of Agriculture
Division Title: Missouri Agricultural and Small Business Development Authority
Chapter Title: Beginning Farmer Loan Program

Rule Number and Name: 2 CSR 100-2.040
Type of Rulemaking: Ammendment

II. SUMMARY OF FISCAL IMPACT

Estimate of the number of entities by class which would likely be affected by the adoption of the rule:	Classification by type of the business entities which would likely be affected:	Estimate in the aggregate as to the cost of compliance with the rule by the affected entities:
Approximately 12 farmers per year	Beginning farmers applying for this program would be affected	$3735.62 per year

III. WORKSHEET

(12 applicants per year x $122,604) x .05% + (12 x $250)= 3735.62

IV. ASSUMPTIONS

Over the history of this program, there have been approximately 12 applicants per year with an average bond amount of $122,604.

Title 2—DEPARTMENT OF AGRICULTURE
Division 100—Missouri Agricultural and Small Business Development Authority
Chapter 10—New Generation Cooperative Incentive Tax Credit Program

PROPOSED AMENDMENT

2 CSR 100-10.010 Description of Operation, Definitions, and Method of Distribution and Repayment of Tax Credits. The Missouri Agricultural and Small Business Development Authority is amending subsections (3)(A), (B), and (C).

PURPOSE: This amendment changes the priority for tax credit allocation and updates the sunset to reflect current statute.

(3) Operation of the Program.

(A) Application—New generation cooperative applicants may submit applications to the authority on a continuous basis. In Fiscal Year 2001 through December 31, *[2010]* **2016** (when the tax credit provision expires), up to six (6) million dollars in tax credits are available per fiscal year. Of these tax credit allocation amounts, each year the authority will reserve ten percent (10%) of the credits for "small capital projects." The balance of tax credits will be available to "large capital projects" and "employee qualified capital projects." After December 31 of each year, the authority will release any unallocated "small capital projects" tax credits for "large capital projects" and "employee qualified capital projects" or any unallocated "large capital projects" and "employee qualified capital projects" tax credits to "small capital projects."

(B) Issuance—Tax credits will be issued on a first-come, first-serve basis when the required criteria specified herein is met. If the authority receives more tax credit applications *[(FORM A)]* than the amount of available tax credits then those credits which exceed the available amount will be placed on a waiting list to be issued once additional tax credits become available.

(C) Allocation—*[In allocating tax credits to projects, priority will be given to those projects not having previously received a new generation cooperative incentive tax credit allocation.]* The authority will provide a letter of conditional approval to any eligible new generation cooperative applicant that conforms to the law and guidelines stated herein. The amount of tax credits which may be issued to a member will be the least of:

1. Fifty percent (50%) of the member's cash investment;
2. Fifteen thousand dollars ($15,000);
3. Member's proration of the maximum amount of tax credits allocated to the project as described below.

*AUTHORITY: section 348.432, RSMo Supp. [2004] **2008**. Original rule filed July 26, 2001, effective Jan. 30, 2002. Amended: Filed Dec. 15, 2004, effective June 30, 2005. Amended: Filed Feb. 11, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500).

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500).

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Missouri Agricultural and Small Business Development Authority, PO Box 630, Jefferson City, MO 65102. To be considered, comments must be received within thirty (30) days after publication of this notice in the **Missouri Register**. No public hearing is scheduled.*

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 3—Filing and Reporting Requirements

NOTE: **4 CSR 240-3.162** was published in the February 3, 2009 issue of the *Missouri Register* (33 MoReg 187–196) as it appears here. The rule is being republished in its entirety to add a new hearing date for the rule. Please see the Notice of Hearing at the end of the rule for the new date and time.

PROPOSED RULE

4 CSR 240-3.162 Electric Utility Environmental Cost Recovery Mechanisms Filing and Submission Requirements

PURPOSE: This rule implements the provisions of Senate Bill 179, codified at section 386.266, RSMo Supp. 2007, which permits the commission to authorize the inclusion of an environmental cost recovery mechanism in utility rates.

(1) As used in this rule, the following terms mean:

(A) EFIS means the electronic filing and information system of the commission;

(B) Electric utility means electrical corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapters 386 and 393, RSMo;

(C) Environmental compliance plan means a twenty (20)-year forecast of environmental compliance investments and a detailed four (4)-year plan for complying with federal, state, and local environmental laws, regulations, and rules. The four (4)-year plan will include plans to use emission allowances for compliance, plans for emission allowance transactions, and, on a generation unit basis, plans for investments in emission control equipment. The environmental compliance plan shall be consistent with the implementation plan of the most recent resource plan filing except as otherwise explained by the electric utility. Approval of an Environmental Cost Recovery Mechanism (ECRM) does not imply approval or predetermination of prudence of the environmental compliance plan;

(D) Environmental Cost Recovery Mechanism (ECRM) means a mechanism established in a general rate proceeding that allows periodic rate adjustments, outside a general rate proceeding, to reflect the net increases or decreases in an electric utility's environmental revenue requirement, plus additional environmental costs incurred since the prior general rate proceeding;

(E) Environmental costs means prudently incurred costs, both capital and expense, directly related to compliance with any federal, state, or local environmental law, regulation, or rule.

1. Environmental costs do not include fuel and purchased power costs as defined in 4 CSR 240-3.161(1)(A).

2. Prudently incurred costs do not include any increased costs resulting from negligent or wrongful acts or omissions by the utility;

(F) The environmental revenue requirement shall be comprised of the following:

1. All expensed environmental costs that are included in the electric utility's revenue requirement in the general rate proceeding in which the ECRM is established; and

2. The costs of any major capital projects whose primary purpose is to permit the electric utility to comply with any federal, state, or local environmental law, regulation, or rule. Representative examples of such capital projects to be included (as of the date of adoption of this rule) are electrostatic precipitators, fabric filters, nitrous oxide emissions control equipment, and flue gas desulfurization equipment. The costs of such capital projects shall be those identified on the electric utility's books and records as of the last day of the test year, as updated, utilized in the general rate proceeding in which the ECRM is established;

(G) General rate proceeding means a general rate increase proceeding or complaint proceeding before the commission in which all relevant factors that may affect the costs, or rates and charges, of the electric utility are considered by the commission; and

(H) Rate class is a customer class defined in an electric utility's tariff. Generally, rate classes include Residential, Small General Service, Large General Service, and Large Power Service, but may include additional rate classes. Each rate class includes all customers served under all variations of the rate schedules available to that class.

(2) When an electric utility files to establish an ECRM as described in 4 CSR 240-20.091(2), the electric utility shall file the following supporting information as part of, or in addition to, its direct testimony:

(A) An example of the notice to be provided to customers as required by 4 CSR 240-20.091(2)(E);

(B) An example customer bill showing how the proposed ECRM shall be separately identified on affected customers' bills in accordance with 4 CSR 240-20.091(8);

(C) Proposed ECRM rate schedules;

(D) A general description of the design and intended operation of the proposed ECRM;

(E) A complete explanation of how the proposed ECRM is reasonably designed to provide the electric utility a sufficient opportunity to earn a fair return on equity;

(F) A complete explanation of how the proposed ECRM shall be trued-up to reflect over- or under-collections on at least an annual basis;

(G) A complete description of how the proposed ECRM is compatible with the requirement for prudence reviews;

(H) A complete explanation of all the costs that shall be considered for recovery under the proposed ECRM and the specific account used for each cost item on the electric utility's books and records;

(I) A complete explanation of all of the costs, both capital and expense, incurred to comply with any current federal, state, or local environmental law, regulation, or rule that the electric utility is proposing be included in base rates and the specific account used for each cost item on the electric utility's books and records;

(J) A complete explanation of all the revenues that shall be considered in the determination of the amount eligible for recovery under the proposed ECRM and the specific account where each such revenue item is recorded on the electric utility's books and records;

(K) A complete explanation of any feature designed into the proposed ECRM or any existing electric utility policy, procedure, or practice that can be relied upon to ensure that only prudent costs shall be eligible for recovery under the proposed ECRM;

(L) For each of the major categories of costs that the electric utility seeks to recover through its proposed ECRM, a complete explanation of the specific rate class cost allocations and rate design used to calculate the proposed environmental revenue requirement and any subsequent ECRM rate adjustments during the term of the proposed ECRM;

(M) A complete explanation of any change in business risk to the electric utility resulting from implementation of the proposed ECRM in setting the electric utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility;

(N) The electric utility's environmental compliance plan including a complete description of—

1. The electric utility's long-term environmental compliance planning process;

2. The analysis performed to develop the electric utility's environmental compliance plan; and

3. If the environmental compliance plan is inconsistent with the electric utility's most recent resource plan filing, a detailed explanation of why such inconsistencies exist; and

(O) Authorization for the commission staff to release the previous five (5) years of historical surveillance reports submitted to the commission staff by the electric utility to all parties to the case.

(3) When an electric utility files a general rate proceeding following the general rate proceeding that established its ECRM as described by 4 CSR 240-20.091(2) in which it requests that its ECRM be continued or modified, the electric utility shall file with the commission and serve parties, as provided in sections (9) through (11) in this rule, the following supporting information as part of, or in addition to, its direct testimony:

(A) An example of the notice to be provided to customers as required by 4 CSR 240-20.091(2)(E);

(B) If the electric utility proposes to change the identification of the ECRM on the customer's bill, an example customer bill showing how the proposed ECRM shall be separately identified on affected customers' bills, including the proposed language, in accordance with 4 CSR 240-20.091(8);

(C) Proposed ECRM rate schedules;

(D) A general description of the design and intended operation of the proposed ECRM;

(E) A complete explanation of how the proposed ECRM is reasonably designed to provide the electric utility a sufficient opportunity to earn a fair return on equity;

(F) A complete explanation of how the proposed ECRM shall be trued-up to reflect over- or under-collections on at least an annual basis;

(G) A complete description of how the proposed ECRM is compatible with the requirement for prudence reviews;

(H) A complete explanation of all the costs that shall be considered for recovery under the proposed ECRM and the specific account used for each cost item on the electric utility's books and records;

(I) A complete explanation of all of the costs, both capital and expense, incurred to comply with any current federal, state, or local environmental law, regulation, or rule that the electric utility is proposing be included in base rates and the specific account used for each cost item on the electric utility's books and records;

(J) A complete explanation of all the revenues that shall be considered in the determination of the amount eligible for recovery under the proposed ECRM and the specific account where each such revenue item is recorded on the electric utility's books and records;

(K) A complete explanation of any feature designed into the proposed ECRM or any existing electric utility policy, procedure, or practice that can be relied upon to ensure that only prudent costs shall be eligible for recovery under the proposed ECRM;

(L) For each of the major categories of costs that the electric utility seeks to recover through its proposed ECRM, a complete explanation of the specific rate class cost allocations and rate design used to calculate the proposed environmental revenue requirement and any subsequent ECRM rate adjustments during the term of the proposed ECRM;

(M) A complete explanation of any change in business risk to the electric utility resulting from implementation of the proposed ECRM in setting the electric utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility;

(N) A description of how responses to subsections (3)(B) through (M) differ from responses to subsections (3)(B) through (M) for the currently approved ECRM;

(O) The electric utility's environmental compliance plan including a complete description of—

1. The electric utility's long-term environmental compliance planning process;

2. The analysis performed to develop the electric utility's environmental compliance plan; and

3. If the environmental compliance plan is inconsistent with the electric utility's most recent resource plan filing, a detailed explanation of why such inconsistencies exist; and

(P) Any additional information that may have been ordered by the commission in the prior general rate proceeding to be provided.

(4) When an electric utility files a general rate proceeding following the general rate proceeding that established its ECRM as described in 4 CSR 240-20.091(3) in which it requests that its ECRM be discontinued, the electric utility shall file with the commission and serve parties, as provided in sections (9) through (11) in this rule, the following supporting information as part of, or in addition to, its direct testimony:

(A) An example of the notice to be provided to customers as required by 4 CSR 240-20.091(3)(B);

(B) A complete explanation of how the over-collection or under-collection of the ECRM that the electric utility is proposing to discontinue shall be handled;

(C) A complete explanation of why the ECRM is no longer necessary to provide the electric utility a sufficient opportunity to earn a fair return on equity;

(D) A complete explanation of any change in business risk to the electric utility resulting from discontinuation of the ECRM in setting the electric utility's allowed return, in addition to any other changes in business risk experienced by the electric utility; and

(E) Any additional information that may have been ordered by the commission in the prior general rate proceeding to be provided.

(5) Each electric utility with an ECRM shall submit, with an affidavit attesting to the veracity of the information, the following information on a monthly basis to the manager of the auditing department of the commission, the Office of the Public Counsel (OPC), and others, as provided in sections (9) through (11) in this rule. The information may be submitted to the manager of the auditing department through EFIS. The following information shall be aggregated by month and supplied no later than sixty (60) days after the end of each month when the ECRM is in effect. The first submission shall be made within sixty (60) days after the end of the first complete month after the ECRM goes into effect. It shall contain, at a minimum, the following:

(A) The revenues billed pursuant to the ECRM by rate class and voltage level, as applicable;

(B) The revenues billed through the electric utility's base rate allowance by rate class and voltage level;

(C) All significant factors that have affected the level of ECRM revenues along with workpapers documenting these significant factors;

(D) The difference, by rate class and voltage level, as applicable, between the total billed ECRM revenues and the projected ECRM revenues;

(E) Any additional information ordered by the commission to be provided; and

(F) To the extent any of the requested information outlined above is provided in response to another section, the information only needs to be provided once.

(6) Each electric utility with an ECRM shall submit, with an affidavit attesting to the veracity of the information, a Surveillance Monitoring Report, which shall be treated as highly confidential, as required in 4 CSR 240-20.091(9), to the manager of the auditing department of the commission, OPC, and others, as provided in sections (9) through (11) in this rule. The information may be submitted to the manager of the auditing department through EFIS.

(A) There are five (5) parts to the electric utility Surveillance Monitoring Report. Each part, except Part One, Rate Base Quantifications, shall contain information for the last twelve (12)-month period and the last quarter data for total company electric operations and Missouri jurisdictional operations. Part One, Rate Base Quantifications, shall contain only information for the ending date of the period being reported. The form of the Surveillance Monitoring Report form is included herein.

1. Rate Base Quantifications Report. The quantification of rate base items on page one shall be consistent with the methods or procedures used in the most recent rate proceeding unless otherwise specified. The report shall consist of specific rate base quantifications of—

A. Plant in service;
B. Reserve for depreciation;
C. Materials and supplies;
D. Cash working capital;
E. Fuel inventory;
F. Prepayments;
G. Other regulatory assets;
H. Customer advances;
I. Customer deposits;
J. Accumulated deferred income taxes;
K. Any other item included in the utility's rate base in the most recent rate proceeding;
L. Net Operating Income from page three; and
M. Calculation of the overall return on rate base.

2. Capitalization Quantifications Report. Page two shall consist of specific capitalization quantifications of—

A. Common stock equity (net);
B. Preferred stock (par or stated value outstanding);
C. Long-term debt (including current maturities);
D. Short-term debt; and
E. Weighted cost of capital including component costs.

3. Income Statement. Page three shall consist of an income statement containing specific quantification of—

A. Operating revenues to include sales to industrial, commercial, and residential customers, sales for resale, and other components of total operating revenues;
B. Operating and maintenance expenses for fuel expense, production expenses, purchased power energy, and capacity;
C. Transmission expenses;
D. Distribution expenses;
E. Customer accounts expenses;
F. Customer service and information expenses;
G. Sales expenses;
H. Administrative and general expenses;
I. Depreciation, amortization, and decommissioning expense;
J. Taxes other than income taxes;
K. Income taxes; and
L. Quantification of heating degree and cooling degree days, actual and normal.

4. Jurisdictional Allocation Factor Report. Page four shall consist of a listing of jurisdictional allocation factors for the rate base, capitalization quantification reports, and income statement.

5. Financial Data Notes. Page five shall consist of notes to financial data including, but not limited to:

A. Out-of-period adjustments;
B. Specific quantification of material variances between actual and budget financial performance;
C. Material variances between current twelve (12)-month period and prior twelve (12)-month period revenue;
D. Expense level of items ordered by the commission to be tracked pursuant to the order establishing the ECRM;
E. Budgeted capital projects;
F. Events that materially affect debt or equity surveillance components; and
G. All settlements in regards to environmental compliance causing the electric utility to incur expenses or make investments in excess of one hundred thousand dollars ($100,000) or fines against the electric utility in regards to environmental compliance greater than one hundred thousand dollars ($100,000).

(B) The Surveillance Monitoring Report shall contain any additional information ordered by the commission to be provided.

(C) The electric utility shall annually submit its approved budget, in electronic form, based upon its budget year in a format similar to

the Surveillance Monitoring Report. The budget submission shall provide a quarterly and annual quantification of the electric utility's income statement. The budget shall be submitted within thirty (30) days of its approval by the electric utility's management or within sixty (60) days of the beginning of the electric utility's fiscal year, whichever is earliest. The budget submission shall be treated as highly confidential pursuant to 4 CSR 240-2.135.

(D) If the electric utility has a rate adjustment mechanism as defined in 4 CSR 240-20.090(1)(G), the surveillance report submitted by the electric utility as required by 4 CSR 240-3.161(6) along with information submitted in response to subparagraph (6)(A)5.G. shall meet the surveillance reporting required by this section.

(7) When an electric utility files tariff schedules to adjust an ECRM rate as described in 4 CSR 240-20.091(4) with the commission, and serves upon parties as provided in sections (9) through (11) in this rule, the tariff schedules must be accompanied by supporting testimony, and at least the following supporting information:

(A) The following information shall be included with the filing:

1. For the period from which historical costs are used to adjust the ECRM rate:

A. Emission allowance costs differentiated by purchases, swaps, and loans;

B. Net revenues from emission allowance sales, swaps, and loans;

C. Extraordinary costs not to be passed through, if any, due to such costs being an insured loss, or subject to reduction due to litigation, or for any other reason;

D. Base rate component of environmental compliance costs and revenues;

E. Identification of capital projects placed in service that were not anticipated in the previous general rate proceeding; and

F. Any additional requirements ordered by the commission in the prior general rate proceeding;

2. The levels of environmental capital costs and expenses in the base rate revenue requirement from the prior general rate proceeding;

3. The levels of environmental capital costs in the base rate revenue requirement from the prior general rate proceeding as adjusted for the proposed date of the periodic adjustment;

4. The capital structure as determined in the prior general rate proceeding;

5. The cost rates for the electric utility's debt and preferred stock as determined in the prior general rate proceeding;

6. The electric utility's cost of common equity as determined in the prior general rate proceeding;

7. Calculation of the proposed ECRM collection rates; and

8. Calculations underlying any seasonal variation in the ECRM collection rates; and

(B) Workpapers supporting all items in subsection (7)(A) shall be submitted to the manager of the auditing department and served upon parties as provided in sections (9) through (11) in this rule. The workpapers may be submitted to the manager of the auditing department through EFIS.

(8) When an electric utility that has an ECRM files its application containing its annual true-up with the commission, as described in 4 CSR 240-20.091(5), any rate schedule filing must be accompanied by supporting testimony, and the electric utility shall—

(A) File the following information with the commission and serve upon parties as provided in sections (9) through (11) in this rule:

1. Amount of costs that it has over-collected or under-collected through the ECRM by rate class and voltage level, as applicable;

2. Proposed adjustments or refunds by rate class and voltage level as applicable;

3. Electric utility's short-term borrowing rate; and

4. Any additional information ordered by the commission;

(B) Submit the following information to the manager of the auditing department and serve upon the parties as provided in sections (9) through (11) in this rule. The information may be submitted to the manager of the auditing department through EFIS.

1. Workpapers detailing how the determination of the over-collection or under-collection of costs through the ECRM was made including any model inputs and outputs and the derivation of any model inputs.

2. Workpapers detailing the proposed adjustments or refunds.

3. Basis for the electric utility's short-term borrowing rate.

4. Any additional information ordered by the commission to be provided.

(9) Providing to other parties items required to be filed or submitted in preceding sections (3) through (8). Information required to be filed with the commission or submitted to the manager of the auditing department of the commission and to OPC in sections (3) through (8) shall also be, in the same format, served on or submitted to any party to the related general rate proceeding in which the ECRM was approved by the commission, periodic adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend, or discontinue the same ECRM, pursuant to the procedures in 4 CSR 240-2.135 for handling confidential information, including any commission order issued thereunder.

(10) Party status and providing to other parties affidavits, testimony, information, reports, and workpapers in related proceedings subsequent to general rate proceeding establishing ECRM.

(A) A person or entity granted intervention in a general rate proceeding in which an ECRM is approved by the commission shall be a party to any subsequent related periodic adjustment proceeding, annual true-up, or prudence review, without the necessity of applying to the commission for intervention. In any subsequent general rate proceeding, such person or entity must seek and be granted status as an intervenor to be a party to that case. Affidavits, testimony, information, reports, and workpapers to be filed or submitted in connection with a subsequent related periodic adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend, or discontinue the same ECRM shall be served on or submitted to all parties from the prior related general rate proceeding and on all parties from any subsequent related periodic adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend, or discontinue the same ECRM, concurrently with filing the same with the commission or submitting the same to the manager of the auditing department of the commission and OPC, pursuant to the procedures in 4 CSR 240-2.135 for handling confidential information, including any commission order issued thereunder.

(B) A person or entity not a party to the general rate proceeding in which an ECRM is approved by the commission may timely apply to the commission for intervention, pursuant to 4 CSR 240-2.075(2) through (4) of the commission's rule on intervention, respecting any related subsequent periodic adjustment proceeding, annual true-up, or prudence review, or, pursuant to 4 CSR 240-2.075(1) through (5), respecting any subsequent general rate case to modify, extend, or discontinue the same ECRM. If no party to a subsequent periodic adjustment proceeding, annual true-up, or prudence review objects within ten (10) days of the filing of an application for intervention, the applicant shall be deemed as having been granted intervention without a specific commission order granting intervention, unless within the above-referenced ten (10)-day period the commission denies the application for intervention on its own motion. If an objection to the application for intervention is filed on or before the end of the above-referenced ten (10)-day period, the commission shall rule on the application and the objection within ten (10) days of the filing of the objection.

(11) Discovery. The results of discovery from a general rate proceeding where the commission may approve, modify, reject, extend,

or discontinue an ECRM, or from any subsequent periodic adjustment proceeding, annual true-up, or prudence review relating to the same ECRM, may be used without a party resubmitting the same discovery requests (data requests, interrogatories, requests for production, requests for admission, or depositions) in the subsequent proceeding to parties that produced the discovery in the prior proceeding, subject to a ruling by the commission concerning any evidentiary objection made in the subsequent proceeding.

(12) Supplementing and updating data requests in subsequent related proceedings. If a party, which submitted data requests relating to a proposed ECRM in the general rate proceeding where the ECRM was established or in the general rate proceeding where the same ECRM was modified or extended, or in any subsequent related periodic adjustment proceeding, annual true-up, or prudence review, wants the responding party to whom the prior data requests were submitted to supplement or update that responding party's prior responses for possible use in a subsequent related periodic adjustment proceeding, annual true-up, prudence review, or general rate case to modify, extend, or discontinue the same ECRM, the party which previously submitted the data requests shall submit an additional data request to the responding party to whom the data requests were previously submitted which clearly identifies the particular data requests to be supplemented or updated and the particular period to be covered by the updated response. A responding party to a request to supplement or update shall supplement or update a data request response from: a related general rate proceeding where a ECRM was established; a general rate case where the same ECRM was modified or extended; or a related periodic adjustment proceeding, annual true-up, or prudence review, which the responding party has learned or subsequently learns is in some material respect incomplete or incorrect.

(13) Separate cases for each general rate proceeding involving an ECRM and for each mutually exclusive twelve (12)-month annual true-up period of an ECRM. Each general rate proceeding where the commission may approve, modify, or reject an ECRM; each general rate case where the commission may authorize the modification, extension, or discontinuance of an ECRM; and each mutually exclusive twelve (12)-month period of an ECRM that encompasses an annual true-up, prudence review, and possible periodic adjustments shall comprise a separate case. The same procedures for handling confidential information shall apply, pursuant to 4 CSR 240-2.135, as in the immediately preceding ECRM case for the particular electric utility, unless otherwise directed by the commission on its own motion or as requested by a party and directed by the commission.

(14) New ECRM. For the purposes of this rule, an ECRM, if continued, modified, or extended in a general rate case, even in substantially the form approved in the prior general rate proceeding, shall be considered to be a new distinct ECRM after each general rate proceeding required by section 386.266.4(3), RSMo.

(15) Right to Discovery Unaffected. In addressing certain discovery matters and the provision of certain information by electric utilities, this rule is not intended to restrict the discovery rights of any party.

(16) Waivers. Provisions of this rule may be waived by the commission for good cause shown.

(17) Rule Review. The commission shall review the effectiveness of this rule by no later than December 31, 2011, and may, if it deems necessary, initiate rulemaking proceedings to revise this rule.

Electric Company
12 Months Ended _____
Per Books
(IN THOUSANDS OF DOLLARS)
FINANCIAL SURVEILLANCE MONITORING REPORT
RATE BASE AND RATE OF RETURN

Total Company Rate Base	**Measurement Basis**		**12 Months Ended**
Plant in Service			
Intangible	End of Period	xxx,xxx	
Production – Steam	End of Period	xxx,xxx	
Production – Nuclear	End of Period	xxx,xxx	
Production – Hydraulic	End of Period	xxx,xxx	
Production – Other	End of Period	xxx,xxx	
Transmission	End of Period	xxx,xxx	
Distribution	End of Period	xxx,xxx	
General	End of Period	xxx,xxx	
Total Plant in Service	End of Period		$ x,xxx,xxx
Reserve for Depreciation			
Intangible	End of Period	xxx,xxx	
Production – Steam	End of Period	xxx,xxx	
Production – Nuclear	End of Period	xxx,xxx	
Production – Hydraulic	End of Period	xxx,xxx	
Production – Other	End of Period	xxx,xxx	
Transmission	End of Period	xxx,xxx	
Distribution	End of Period	xxx,xxx	
General	End of period	xxx,xxx	
Total Reserve for Depreciation			x,xxx,xxx
Net Plant			x,xxx,xxx
Add:			
Materials & Supplies	13 Mo. Avg.		x,xxx,xxx
Cash	(from prior rate case including offsets)		x,xxx,xxx
Fuel Inventory	13 Mo. Avg.		x,xxx,xxx
Prepayments	13 Mo. Avg.		x,xxx,xxx
Other Regulatory Assets	End of Period		x,xxx,xxx
Less:			
Customer Advances	13 Mo. Avg.		x,xxx,xxx
Customer Deposits	13 Mo. Avg.		x,xxx,xxx
Accumulated Deferred Income Taxes	End of Period		x,xxx,xxx
Other Regulatory Liabilities	End of Period		x,xxx,xxx
Other Items from Prior Rate Case	Per rate case method		x,xxx,xxx
(A) Total Rate Base			$ x,xxx,xxx
(B) Net Operating Income			$ x,xxx,xxx
(C) Return on Rate Base Base [(B) / (A)]			

Electric Company
12 Months Ended _____
Per Books
(IN THOUSANDS OF DOLLARS)
FINANCIAL SURVEILLANCE MONITORING REPORT
CAPITAL STRUCTURE AND RATE OF RETURN

Overall Cost of Capital

		Amount	Percent	Cost		Weighted Cost
Long-Term Debt	$	x,xxx,xxe	x.xx%	x.xx%	f	x.xx%
Short-Term Debt		x,xxx,xxe	x.xx%	x.xx%	f	x.xx%
Preferred Stock		x,xxx,xxe	x.xx%	x.xx%	f	x.xx%
Other	d	x,xxx,xxe	x.xx%	x.xx%	f	x.xx%
Common Equity		x,xxx,xxe	x.xx%	x.xx%	a	x.xx%
Total Overall Cost of Capital based on Rate Case Rate of Return on Equity	$	x,xxx,xxx	100.00%			x.xx%

Actual Earned Return on Equity

		Amount	Percent	Cost		Weighted Cost
Long-Term Debt	$	x,xxx,xxe	x.xx%	x.xx%	f	x.xx%
Short-Term Debt		x,xxx,xxe	x.xx%	x.xx%	f	x.xx%
Preferred Stock		x,xxx,xxe	x.xx%	x.xx%	f	x.xx%
Other	d	x,xxx,xxe	x.xx%	x.xx%	f	x.xx%
Common Equity		x,xxx,xxe	x.xx%	x.xx%	c	x.xx%
Total Overall Cost of Capital with Actual Return On Equity	$	x,xxx,xxx	100.00%			x.xx% b

a From last general rate case, Report & Order
b From actual Return on Rate Base, page 1 "Rate Base"
c Calculated after actual Return on Rate Base, per footnote B, is determined
d Other capital structure components from last general rate case, Report & Order
e Actual balance at end of period
f Actual average cost at end of period

Note Additional breakdown may be added per Report & Order authorizing a recovery clause under 4 CSR 240-20

Electric Company
Quarter Ended and 12 Months Ended _____
Per Books
(IN THOUSANDS OF DOLLARS)
FINANCIAL SURVEILLANCE MONITORING REPORT
OPERATING INCOME STATEMENT

	Quarter Ended Actual		12 Months Ended Actual	
Operating Revenues				
Sales to Residential, Commercial, & Industrial Customers				
Residential	$ x,xxx,xxx		$ x,xxx,xxx	
Commercial	x,xxx,xxx		x,xxx,xxx	
Industiral	x,xxx,xxx		x,xxx,xxx	
Total of Sales to Residential, Commercial, & Industrial Customers		$ x,xxx,xxx		$ x,xxx,xxx
Other Sales to Ultimate customers		x,xxx,xxx		x,xxx,xxx
Sales for Resale\				
Off-system Sales		x,xxx,xxx		x,xxx,xxx
Other Sales for Resale		x,xxx,xxx		x,xxx,xxx
Provision for Refunds		x,xxx,xxx		x,xxx,xxx
Other Operating Revenues		x,xxx,xxx		x,xxx,xxx
Operating Revenues		$ x,xxx,xxx		$ x,xxx,xxx
Operating & Maintenance Expenses:				
Production Expenses:				
Fuel Expense				
Native Load	x,xxx,xxx		x,xxx,xxx	
Off-System Sales	x,xxx,xxx		x,xxx,xxx	
Other Production-Operations	x,xxx,xxx		x,xxx,xxx	
Other Production-Maintenance	x,xxx,xxx		x,xxx,xxx	
Purchased Power-Energy				
Native Load	x,xxx,xxx		x,xxx,xxx	
Off System Sales	x,xxx,xxx		x,xxx,xxx	
Purchased Power-Capacity	x,xxx,xxx		x,xxx,xxx	
Total Production Expenses`		x,xxx,xxx		x,xxx,xxx
Transmission Expenses		x,xxx,xxx		x,xxx,xxx
Distribution Expenses		x,xxx,xxx		x,xxx,xxx
Customer Accounts Expense		x,xxx,xxx		x,xxx,xxx
Customer Serve. & Info. Expenses		x,xxx,xxx		x,xxx,xxx
Sales Expenses		x,xxx,xxx		x,xxx,xxx
Administrative & General Expenses		x,xxx,xxx		x,xxx,xxx
Total Operating & Maintenance Expenses		$ x,xxx,xxx		$ x,xxx,xxx
Depreciation & Amortization Expense				
Depreciation Expense	x,xxx,xxx		x,xxx,xxx	
Amortization Expense	x,xxx,xxx		x,xxx,xxx	
Decommissioning Expense	x,xxx,xxx		x,xxx,xxx	
Other	x,xxx,xxx		x,xxx,xxx	
Total Depreciation & Amortization Expense		x,xxx,xxx		x,xxx,xxx
Taxes Other than Income Taxes		xxx,xxx		xxx,xxx
Operating Income Before Income Tax		x,xxx,xxx		x,xxx,xxx
Income Taxes		xxx,xxx		x,xxx,xxx
Net Operating Income		$ x,xxx,xxx		$ x,xxx,xxx
Actual Cooling Degree Days		x,xxx		x,xxx
Normal Cooling Degree Days		x,xxx		x,xxx
Actual Heaging Degree Days		x,xxx		x,xxx
Normal Heating Degree Days		x,xxx		x,xxx

Electric Company
12 Months Ended _____
FINANCIAL SURVEILLANCE MONITORING REPORT
Missouri Jurisdictional Allocation Factors

Description	Allocation Factor
Plant in Service	
Intangible	
Production – Steam	
Production – Nuclear	
Production – Hydraulic	
Production – Other	
Transmission	
Distribution	
General	
Depreciation Reserve	
Intangible	
Production – Steam	
Production – Nuclear	
Production – Hydraulic	
Production – Other	
Transmission	
Distribution	
General	
Net Plant	
Materials & supplies	
Cash Working Capital	per rate case
Fuel Inventory	
Prepayments	
Other Regulatory Assets	Jurisdictional Specific
Customer Advances	
Customer Deposits	
Accumulated Deferred Income Taxes	
Other Regulatory Liabilities	Jurisdictional Specific
Other Items from Prior Rate Case	
Operating Revenues	
Interchange Revenues	
Production Expenses:	
Fuel Expense	
Native Load	
Off-System Sales	
Other Production – Operations	
Other Production – Maintenance	
Purchased Power – Energy	
Native Load	
Off-System Sales	
Purchased Power – Capacity	
Total Production Expenses	
Transmission Expenses	
Distribution Expenses	
Customer Accounts Expense	
Customer Serve. & Info. Expenses	
Sales Expenses	
Administrative & General Expenses	
Depreciation Expense	
Depreciation Expense	
Amortization Expense	
Decommissioning Expense	
Taxes, Other than Income	
Income Taxes	
Other Items	
xxxx	
xxxx	
xxxx	

Note Additional breakdown may be added per Report & Order authorizing a recovery clause under 4 CSR 240-20

Electric Company
Quarter Ended and 12 Months Ended _____
Per Books
FINANCIAL SURVEILLANCE MONITORING REPORT

NOTES TO FINANCIAL SURVEILLANCE REPORT

AUTHORITY: sections 386.250 and 393.140, RSMo 2000, and section 386.266, RSMo Supp. 2007. Original rule filed Oct. 31, 2007, effective June 30, 2008, terminated Jan. 4, 2009. Refiled: Dec. 31, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 15, 2009, and should include a reference to Commission Case No. EX-2009-0252. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for April 15, 2009, at 1:00 PM in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 20—Electric Utilities

NOTE: **4 CSR 240-20.091** was published in the February 3, 2009 issue of the *Missouri Register* (33 MoReg 196–196) as it appears here. The rule is being republished in its entirety to add a new hearing date for the rule. Please see the Notice of Hearing at the end of the rule for the new date and time.

PROPOSED RULE

4 CSR 240-20.091 Electric Utility Environmental Cost Recovery Mechanisms

PURPOSE: This rule allows the establishment of an Environmental Cost Recovery Mechanism, which allows periodic rate adjustments to reflect net increases or decreases in an electric utility's prudently incurred costs directly related to compliance with any federal, state, or local environmental law, regulation, or rule.

(1) Definitions. As used in this rule, the following terms mean as follows:

(A) Electric utility means electrical corporation as defined in section 386.020, RSMo, subject to commission regulation pursuant to Chapters 386 and 393, RSMo;

(B) Environmental Cost Recovery Mechanism (ECRM) means a mechanism established in a general rate proceeding that allows periodic rate adjustments, outside a general rate proceeding, to reflect the net increases or decreases in an electric utility's incurred environmental costs;

(C) Environmental costs means prudently incurred costs, both capital and expense, directly related to compliance with any federal, state, or local environmental law, regulation, or rule.

1. Environmental costs do not include fuel and purchased power costs as defined in 4 CSR 240-20.090(1)(B).

2. Prudently incurred costs do not include any increased costs resulting from negligent or wrongful acts or omissions by the utility;

(D) The environmental revenue requirement shall be comprised of the following:

1. All expensed environmental costs that are included in the electric utility's revenue requirement in the general rate proceeding in which the ECRM is established; and

2. The costs of any major capital projects whose primary purpose is to permit the electric utility to comply with any federal, state, or local environmental law, regulation, or rule. Representative examples of such capital projects to be included (as of the date of adoption of this rule) are electrostatic precipitators, fabric filters, nitrous oxide emissions control equipment, and flue gas desulfurization equipment. The costs of such capital projects shall be those identified on the electric utility's books and records as of the last day of the test year, as updated, utilized in the general rate proceeding in which the ECRM is established;

(E) General rate proceeding means a general rate increase proceeding or complaint proceeding before the commission in which all relevant factors that may affect the costs, or rates and charges, of the electric utility are considered by the commission;

(F) Rate class is a customer class as defined in an electric utility's tariff. Generally, rate classes include Residential, Small General Service, Large General Service, and Large Power Service, but may include additional rate classes. Each rate class includes all customers served under all variations of the rate schedules available to that class;

(G) Staff means the staff of the Public Service Commission; and

(H) True-up year means the twelve (12)-month period beginning on the first day of the first calendar month following the effective date of the commission order approving an ECRM unless the effective date is on the first day of the calendar month. If the effective date of the commission order approving a rate mechanism is on the first day of a calendar month, then the true-up year begins on the effective date of the commission order. The first annual true-up period shall end on the last day of the twelfth calendar month following the effective date of the commission order establishing the ECRM. Subsequent true-up years shall be the succeeding twelve (12)-month periods. If a general rate proceeding is concluded prior to the conclusion of a true-up year, the true-up year may be less than twelve (12) months. If the commission approves both a fuel adjustment clause mechanism and an ECRM for the electric utility, the true-up year will be the same for both.

(2) Applications to Establish, Continue, or Modify an ECRM. Pursuant to the provisions of this rule, 4 CSR 240-2.060, and section 386.266, RSMo, only an electric utility in a general rate proceeding may file an application with the commission to establish, continue, or modify an ECRM by filing tariff schedules. Any party in a general rate proceeding in which an ECRM is in effect or proposed may seek to continue, modify, or oppose the ECRM. The commission shall approve, modify, or reject such applications to establish an ECRM only after providing the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that may affect the costs or overall rates and charges of the petitioning electric utility.

(A) The commission may approve the establishment, continuation, or modification of an ECRM and rate schedules implementing an ECRM provided that it finds that the ECRM it approves is reasonably designed to provide the electric utility with a sufficient opportunity to earn a fair return on equity.

(B) The commission may take into account any change in business

risk to the utility resulting from establishment, continuation, or modification of the ECRM in setting the electric utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility.

(C) In determining which environmental cost components to include in an ECRM, the commission will consider, but is not limited to only considering, the magnitude of the costs, the ability of the utility to manage the costs, the incentive provided to the utility as a result of the inclusion or exclusion of the cost, and the extent to which the cost is related to environmental compliance.

(D) The commission may, in its discretion, determine what portion of prudently incurred environmental costs may be recovered in an ECRM and what portion shall be recovered in base rates.

(E) Any party to the general rate proceeding may oppose the establishment, continuation, or modification of an ECRM and/or may propose alternative ECRMs for the commission's consideration, including but not limited to modifications to the electric utility's proposed ECRM.

(F) The ECRM shall be based on known and measurable environmental costs that have been incurred by the electric utility.

(G) If an ECRM is approved, the commission shall determine the base environmental revenue requirement.

(H) If costs are requested to be recovered through the ECRM and the revenue to be collected in the ECRM rate schedules exceeds two and one-half percent (2.5%) of the electric utility's Missouri annual gross jurisdictional revenues, the electric utility cannot subsequently request that any cost identified as an environmental cost be recovered through a fuel rate adjustment mechanism.

(I) The electric utility shall include in its initial notice to customers regarding the general rate case, a commission approved description of how the costs passed through the proposed ECRM requested shall be applied to monthly bills.

(J) The electric utility shall meet the filing requirements in 4 CSR 240-3.162(2), in conjunction with an application to establish an ECRM, and 4 CSR 240-3.162(3), in conjunction with an application to continue or modify an ECRM.

(3) Application for Discontinuation of an ECRM. The commission shall allow or require the rate schedules that define and implement an ECRM to be discontinued and withdrawn only after providing the opportunity for a full hearing in a general rate proceeding. The commission shall consider all relevant factors that affect the cost or overall rates and charges of the petitioning electric utility.

(A) Any party to the general rate proceeding may oppose the discontinuation of an ECRM on the grounds that the electric utility is currently experiencing, or in the next four (4) years is likely to experience, declining costs. If the commission finds that the electric utility is seeking to discontinue the ECRM under these circumstances, the commission shall not permit the ECRM to be discontinued, and shall order its continuation or modification. To continue or modify the ECRM under such circumstances, the commission must find that it provides the electric utility with a sufficient opportunity to earn a fair rate of return on equity.

(B) The commission may take into account any change in business risk to the corporation resulting from discontinuance of the ECRM in setting the electric utility's allowed return in any rate proceeding, in addition to any other changes in business risk experienced by the electric utility.

(C) The electric utility shall include, in its initial notice to customers regarding the general rate case, a commission approved description of why it believes the ECRM should be discontinued.

(D) Subsections (2)(C) through (2)(H) shall apply to any proposal for continuation or modification.

(E) The electric utility shall meet the filing requirements in 4 CSR 240-3.162(4).

(4) Periodic Adjustments of ECRMs. If an electric utility files proposed rate schedules to adjust its ECRM rates between general rate proceedings, the staff shall examine and analyze the information filed by the electric utility in accordance with 4 CSR 240-3.162 and additional information obtained through discovery, if any, to determine if the proposed adjustment to the ECRM is in accordance with the provisions of this rule, section 386.266, RSMo, and the ECRM established in the most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files its tariff schedules to adjust its ECRM rates. If the ECRM rate adjustment is in accordance with the provisions of this rule, section 386.266, RSMo, and the ECRM established in the most recent general rate proceeding, the commission shall either issue an interim rate adjustment order approving the tariff schedules and the ECRM rate adjustments within sixty (60) days of the electric utility's filing or, if no such order is issued, the tariff schedules and the ECRM rate adjustments shall take effect sixty (60) days after the tariff schedules were filed. If the ECRM rate adjustment is not in accordance with the provisions of this rule, section 386.266, RSMo, or the ECRM established in the most recent rate proceeding, the commission shall reject the proposed rate schedules within sixty (60) days of the electric utility's filing and may instead order implementation of an appropriate interim rate schedule(s).

(A) The periodic adjustments shall be limited to the expense items and the capital projects that are used to determine the environmental revenue requirement in the previous general rate proceeding and those investments or expenses necessary to comply with the electric utility's Environmental Compliance Plan for the period the ECRM is in effect.

1. The costs for capital projects will be eligible for recovery via a periodic adjustment so long as the capital cost of the item when it is placed into service is greater than or equal to the original cost (as of the time that such least costly capital item was placed into service) of the least costly capital item that was included in the environmental revenue requirement (to be determined as provided in 4 CSR 240-20.091(1)(D)); and

2. Waivers from the limitations in this subsection (4)(A) may be sought for capital projects placed into service that could not have been anticipated in the previous general rate proceeding or that do not meet the threshold provided for in the immediately preceding sentence.

(B) The periodic adjustment shall reflect a comprehensive measurement of both increases and decreases to the environmental revenue requirement established in the prior general rate proceeding plus the additional environmental costs incurred since the prior rate proceeding.

(C) Any periodic adjustment made to ECRM rate schedules shall not generate an annual amount of general revenue that exceeds two and one-half percent (2.5%) of the electric utility's Missouri gross jurisdictional revenues established in the electric utility's most recent general rate proceeding.

1. Missouri gross jurisdictional revenues shall be the amount established in the electric utility's most recent general rate proceeding and exclude gross receipts tax, sales tax, and other similar pass-through taxes not included in tariffed rates for regulated services;

2. The electric utility shall be permitted to collect any applicable gross receipts tax, sales tax, or other similar pass-through taxes and such taxes shall not be counted against the two and one-half percent (2.5%) rate adjustment cap; and

3. Any environmental costs, to the extent addressed by the ECRM, not recovered as a result of the two and one-half percent (2.5%) limitation on rate adjustments may be deferred, at a carrying cost each month equal to the utility's net of tax cost of capital, for recovery in a subsequent year or in the utility's next general rate proceeding.

(D) An electric utility with an ECRM shall file one (1) mandatory adjustment to its ECRM in each true-up year coinciding with the true-up of its ECRM. It may also file one (1) additional adjustment to its ECRM within a true-up year with the timing and number of

such additional filings to be determined in the general rate proceeding establishing the ECRM and in general rate proceedings thereafter.

(E) The electric utility must be current on its submission of its Surveillance Monitoring Reports as required in section (9) and its monthly reporting requirements as required by 4 CSR 240-3.162(5) in order for the commission to process the electric utility's requested ECRM adjustment increasing rates.

(F) If the staff, Office of the Public Counsel (OPC), or other party who receives the information that the electric utility is required to submit in 4 CSR 240-3.162 and as ordered by the commission in a previous proceeding, believes that the information required to be submitted pursuant to 4 CSR 240-3.162 and the commission order establishing the ECRM has not been submitted in compliance with that rule, it shall notify the electric utility within ten (10) days of the electric utility's filing of an application or tariff schedules to adjust the ECRM rates and identify the information required. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was in compliance with the requirements of 4 CSR 240-3.162, within ten (10) days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel, the processing time line for the adjustment to increase ECRM rates shall be suspended. If the commission then issues an order requiring the information be provided, the time necessary for the information to be provided shall further extend the processing time line for the adjustment to increase ECRM rates. For good cause shown the commission may further suspend this timeline. Any delay in providing sufficient information in compliance with 4 CSR 240-3.162 in a request to decrease ECRM rates shall not alter the processing timeline.

(5) True-ups of an ECRM. An electric utility that files for an ECRM shall include in its tariff schedules and application, if filed in addition to tariff schedules, provision for true-ups on at least an annual basis which shall accurately and appropriately remedy any over-collection or under-collection through subsequent rate adjustments or refunds.

(A) The subsequent true-up rate adjustments or refunds shall include interest at the electric utility's short-term borrowing rate. The interest rate on accumulated ECRM under-collections or over-collections shall be calculated on a monthly basis for each month the ECRM rate is in effect, equal to the weighted average interest rate paid by the electric utility on short-term debt for that calendar month. This rate shall then be applied to a simple average of the same month's beginning and ending cumulative ECRM over-collection or under-collection balance. Each month's accumulated interest shall be included in the ECRM over-collection or under-collection balances on an ongoing basis.

(B) The true-up adjustment shall be the difference between the revenue collected and the revenue authorized for collection during the true-up period and billed revenues associated with the ECRM during the true-up period.

(C) The electric utility must be current on its submission of its Surveillance Monitoring Reports as required in section (9) and its monthly reporting requirements as required by 4 CSR 240-3.162(5) at the time that it files its application for a true-up of its ECRM in order for the commission to process the electric utility's requested annual true-up of any under-collection.

(D) The staff shall examine and analyze the information filed by the electric utility pursuant to 4 CSR 240-3.162 and additional information obtained through discovery, to determine whether the true-up is in accordance with the provisions of this rule, section 386.266, RSMo, and the ECRM established in the electric utility's most recent general rate proceeding. The staff shall submit a recommendation regarding its examination and analysis to the commission not later than thirty (30) days after the electric utility files its tariff schedules for a true-up. The commission shall either issue an order deciding the true-up within sixty (60) days of the electric utility's filing, suspend the timeline of the true-up in order to receive additional evidence and hold a hearing if needed, or, if no such order is issued, the tariff schedules and the ECRM rate adjustments shall take effect by operation of law sixty (60) days after the electric utility's filing.

1. If the staff, OPC, or other party who receives the information that the electric utility is required to submit in 4 CSR 240-3.162 and, as ordered by the commission in a previous proceeding, believes the information that is required to be submitted pursuant to 4 CSR 240-3.162 and the commission order establishing the ECRM has not been submitted or is insufficient to make a recommendation regarding the electric utility's true-up filing, it shall notify the electric utility within ten (10) days of the electric utility's filing and identify the information required. The electric utility shall supply the information identified by the party, or shall notify the party that it believes the information provided was responsive to the requirements, within ten (10) days of the request. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel, the processing timeline for the adjustment to the ECRM rates shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown the commission may further suspend this timeline.

2. If the party requesting the information can demonstrate to the commission that the adjustment shall result in a reduction in the ECRM rates, the processing timeline shall continue with the best information available. When the electric utility provides the necessary information, the ECRM shall be adjusted again, if necessary, to reflect the additional information provided by the electric utility.

(6) Duration of ECRMs and Requirement for General Rate Case. Once an ECRM is approved by the commission, it shall remain in effect for a term of not more than four (4) years unless the commission earlier authorizes the modification, extension, or discontinuance of the ECRM in a general rate proceeding, although an electric utility may submit proposed rate schedules to implement periodic adjustments to its ECRM rates between general rate proceedings.

(A) If the commission approves an ECRM for an electric utility, the electric utility must file a general rate case with the effective date of new rates to be no later than four (4) years after the effective date of the commission order implementing the ECRM, assuming the maximum statutory suspension of the rates so filed.

(B) The four (4)-year period shall not include any periods in which the electric utility is prohibited from collecting any charges under the adjustment mechanism, or any period for which charges collected under the ECRM must be fully refunded. In the event a court determines that the ECRM is unlawful and all moneys collected are fully refunded as a result of such a decision, the electric utility shall be relieved of any obligation to file a rate case. The term fully refunded as used in this section does not include amounts refunded as a result of reductions in net environmental compliance costs or prudence adjustments.

(7) Prudence Reviews Respecting an ECRM. A prudence review of the costs subject to the ECRM shall be conducted no less frequently than at eighteen (18)-month intervals.

(A) All amounts ordered refunded by the commission shall include interest at the electric utility's short-term borrowing rate. The interest shall be calculated on a monthly basis in the same manner as described in subsection (5)(A).

(B) The staff shall submit a recommendation regarding its examination and analysis to the commission not later than one hundred eighty (180) days after the staff initiates its prudence audit. The timing and frequency of prudence audits for each ECRM shall be established in the general rate proceeding in which the ECRM is established. The staff shall file notice within ten (10) days of starting its

prudence audit. The commission shall issue an order not later than two hundred ten (210) days after the staff commences its prudence audit if no party to the proceeding in which the prudence audit is occurring files, within one hundred ninety (190) days of the staff's commencement of its prudence audit, a request for a hearing.

1. If the staff, OPC, or other party auditing the ECRM believes that insufficient information has been supplied to make a recommendation regarding the prudence of the electric utility's ECRM, it may utilize discovery to obtain the information it seeks. If the electric utility does not timely supply the information, the party asserting the failure to provide the required information must timely file a motion to compel with the commission. While the commission is considering the motion to compel the processing timeline shall be suspended. If the commission then issues an order requiring the information to be provided, the time necessary for the information to be provided shall further extend the processing timeline. For good cause shown, the commission may further suspend this timeline.

2. If the timeline is extended due to an electric utility's failure to timely provide sufficient responses to discovery, and a refund is due to the customers, the electric utility shall refund all imprudently incurred costs plus interest at the electric utility's short-term borrowing rate. The interest shall be calculated on a monthly basis in the same manner as described in subsection (5)(A).

(8) Disclosure on Customers' Bills. Any amounts charged under an ECRM approved by the commission shall be separately disclosed on each customer's bill. Proposed language regarding this disclosure shall be submitted to the commission for the commission's approval.

(9) Submission of Surveillance Monitoring Reports. Each electric utility with an approved ECRM shall submit to staff, OPC, and parties approved by the commission a Surveillance Monitoring Report in the form and having the content provided for by 4 CSR 240-3.162(6).

(A) The Surveillance Monitoring Report shall be submitted within fifteen (15) days of the electric utility's next scheduled United States Securities and Exchange Commission (SEC) 10-Q or 10-K filing with the initial submission within fifteen (15) days of the electric utility's next scheduled SEC 10-Q or 10-K filing following the effective date of the commission order establishing the ECRM.

(B) If the electric utility also has an approved fuel rate adjustment mechanism, the electric utility must submit a single Surveillance Monitoring Report for both the ECRM and the fuel rate adjustment mechanism. However, for the Surveillance Monitoring Report to be complete for the ECRM, it must include a list of all settlements in regards to environmental compliance causing the electric utility to incur expenses or make investments in excess of one hundred thousand dollars ($100,000) or fines against the electric utility in regards to environmental compliance greater than one hundred thousand dollars ($100,000) as required in 4 CSR 240-3.162(6)(A)5.G.

(C) Upon a finding that a utility has knowingly or recklessly provided materially false or inaccurate information to the commission regarding the surveillance data prescribed in 4 CSR 240-3.162(6), after notice and an opportunity for a hearing, the commission may suspend an ECRM or order other appropriate remedies as provided by law.

(10) Pre-Existing Adjustment Mechanisms, Tariffs, and Regulatory Plans. The provisions of this rule shall not affect the following:

(A) Any adjustment mechanism, rate schedule, tariff, incentive plan, or other ratemaking mechanism that was approved by the commission and in effect prior to the effective date of this rule; and

(B) Any experimental regulatory plan that was approved by the commission and in effect prior to the effective date of this rule.

(11) Nothing in this rule shall preclude a complaint case from being filed, as provided by law, on the grounds that a utility is earning more than a fair return on equity, nor shall an electric utility be permitted to use the existence of its ECRM as a defense to a complaint case based upon an allegation that it is earning more than a fair return on equity. If a complaint is filed on the grounds that a utility is earning more than a fair return on equity, the commission shall issue a procedural schedule that includes a clear delineation of the case timeline no later than sixty (60) days from the date the complaint is filed.

(12) Rule Review. The commission shall review the effectiveness of this rule by no later than December 31, 2011, and may, if it deems necessary, initiate rulemaking proceedings to revise this rule.

(13) Waiver of Provisions of this Rule. Provisions of this rule may be waived by the commission for good cause shown after an opportunity for a hearing.

AUTHORITY: sections 386.250 and 393.140, RSMo 2000 and section 386.266, RSMo Supp. 2007. Original rule filed Oct. 31, 2007, effective June 30, 2008, terminated Jan. 4, 2009. Refiled: Dec. 31, 2008.

PUBLIC COST: This proposed rule will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed rule will not cost private entities more than five hundred dollars ($500) in the aggregate.

NOTICE OF PUBLIC HEARING AND NOTICE TO SUBMIT COMMENTS: Anyone may file comments in support of or in opposition to this proposed rule with the Missouri Public Service Commission, Colleen M. Dale, Secretary of the Commission, PO Box 360, Jefferson City, MO 65102. To be considered, comments must be received at the commission's offices on or before April 15, 2009, and should include a reference to Commission Case No. EX-2009-0252. If comments are submitted via a paper filing, an original and eight (8) copies of the comments are required. Comments may also be submitted via a filing using the commission's electronic filing and information system at <http://www.psc.mo.gov/efis.asp>. A public hearing regarding this proposed rule is scheduled for April 15, 2009, at 1:00 pm in Room 305 of the Governor Office Building, 200 Madison Street, Jefferson City, Missouri. Interested persons may appear at this hearing to submit additional comments and/or testimony in support of or in opposition to this proposed rule, and may be asked to respond to commission questions.

SPECIAL NEEDS: Any persons with special needs as addressed by the Americans with Disabilities Act should contact the Missouri Public Service Commission at least ten (10) days prior to the hearing at one (1) of the following numbers: Consumer Services Hotline 1-800-392-4211 or TDD Hotline 1-800-829-7541.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 3—Conditions of Provider Participation, Reimbursement and Procedure of General Applicability

PROPOSED AMENDMENT

13 CSR 70-3.190 Telehealth Services. The division is amending sections (1)–(3) and (5)–(8).

PURPOSE: This amendment adds an additional service location, further defines requirements, and adds to definitions.

(1) Administration.

(B) Definitions.

1. Community Mental Health Center (CMHC) means a legal entity through which comprehensive mental health services are provided

to individuals residing in a certain service area.

2. Consultation means a type of evaluation and management service as defined by the most recent edition of the Current Procedural Terminology published annually by the American Medical Association.

3. Consulting provider means a provider who evaluates the patient and appropriate medical data or images through a Telehealth mode of delivery, upon recommendation of the referring provider.

4. *[CPT code means a code used for reporting procedures and services performed by physicians or other licensed medical professionals which is published annually by the American Medical Association in Current Procedural Terminology.]* **Comprehensive Substance Treatment and Rehabilitation (CSTAR) means a MO HealthNet qualified and enrolled outpatient substance abuse treatment program. Coverage is targeted to MO HealthNet-eligible participants who are assessed as requiring substance abuse treatment.**

5. Department means the Department of Social Services.

*[9.]***6.** *[Hub site (originating site)]* **Distant site** means a Telehealth site where the health care provider providing the Telehealth service is physically located at the time *[of]* the Telehealth service **is provided** and is considered the place of service.

*[6.]***7.** Division means the MO HealthNet Division, within the Department of Social Services.

*[7.]***8.** GT modifier means a modifier that identifies a Telehealth service which is approved by the Healthcare Common Procedure Coding System (HCPCS).

*[8.]***9.** Health care provider means a:

A. Missouri licensed physician;

B. Missouri licensed advanced registered nurse practitioner;

C. Missouri licensed dentist or oral surgeon;

[D. Missouri community mental health center;]

*[E]***D.** Missouri licensed psychologist **or provisional licensee**;

*[F.]***E.** Missouri licensed pharmacist; or

*[G.]***F.** Missouri licensed speech, occupational, or physical therapist.

10. MTN means the Missouri Telehealth Network.

*[15.]***11.** *[Spoke site (distant site)]* **Originating site** means a Telehealth site where the MO HealthNet participant receiving the Telehealth service is located for the encounter. **The originating site must ensure immediate availability of clinical staff during a Telehealth encounter in the event a participant requires assistance.** *[A spoke]* **An originating** site must be one of the following locations:

A. Office of a physician or health care provider;

B. Hospital;

C. Critical access hospital;

D. Rural health clinic;

E. Federally Qualified Health Center;

F. Nursing home;

G. Dialysis center;

H. Missouri *[S]***s**tate *[H]***h**abilitation *[C]***c**enter or *[R]***r**egional *[Center]* **office**;

I. Community *[M]***m**ental *[H]***h**ealth *[C]***c**enter;

J. Missouri state mental health facility; *[or]*

K. Missouri state facility*[.]***;**

L. Missouri residential treatment facility—licensed by and under contract with the Children's Division (CD) and has a contract with the CD. Facilities must have multiple campuses and have the ability to adhere to technology requirements addressed in this rule. Only Missouri licensed psychiatrists, licensed psychologists or provisionally licensed psychologists, and advanced registered nurse practitioners who are enrolled MO HealthNet providers may be consulting providers at these locations; or

M. Comprehensive Substance Treatment and Rehabilitation (CSTAR) program.

*[11.]***12.** Participant means an individual eligible for medical assistance benefits on behalf of needy persons through MO HealthNet, under section 208.151, RSMo.

*[12.]***13.** Presenting provider means a provider who:

A. Introduces a patient to a consulting provider for examination, observation, or consideration of medical information; and

B. May assist in the *[telemedicine consultation]* **Telehealth encounter**.

*[13.]***14.** Telepresenter means a person **who is an employee of the originating site and is** with the patient during the time of the encounter who aids in the examination by following the orders of the consulting clinician, including the manipulation of cameras and appropriate placement of other peripheral devices used to conduct the patient examination.

*[14.]***15.** Referring provider means a provider who evaluates a patient, determines the need for a consultation, and arranges the services of a consulting provider for the purpose of diagnosis or treatment.

16. Telehealth means the use of medical information exchanged from one (1) site to another via electronic communications to improve the health status of a patient. Telehealth means the practice of health care delivery, evaluation, diagnosis, consultation, or treatment using the transfer of medical data, audio visual, or data communications that are performed over two (2) or more locations between providers who are physically separated from the patient or from each other.

17. Telehealth service means a medical service provided through advanced telecommunications technology from a *[hub]* **distant** site to a participant at *[a spoke]* **an originating** site.

18. Two (2)-way interactive video means a type of advanced telecommunications technology that permits a real time service to take place between a participant and a presenting provider or a Telepresenter at the *[spoke]* **originating** site and a health care provider at the *[hub]* **distant** site.

(2) Covered Services.

(C) The *[hub site (originating site)]* **distant site** is the location where the physician or practitioner is physically located at the time of the Telehealth service. Coverage of services rendered through Telehealth at the *[hub]* **distant** site is limited to:

1. Consultations made to confirm a diagnosis; or

2. Evaluation and management services; or

3. A diagnosis, therapeutic, or interpretive service; or

4. Individual psychiatric or substance abuse assessment diagnostic interview examinations; or

5. Individual psychotherapy; or

6. Pharmacologic management.

(3) Eligible Providers.

(A) A health care provider utilizing Telehealth at either a *[hub]* **distant** site or *[a spoke]* **an originating** site shall be enrolled as a MO HealthNet provider pursuant to 13 CSR 70-3.020 and licensed for practice in Missouri. A health care provider utilizing Telehealth must do so in a manner that is consistent with the provisions of all laws governing the practice of the provider's profession.

(B) A provider agrees to conform to MO HealthNet program policies and instructions as specified in the provider manuals **and bulletins**, which are incorporated by reference and made a part of this rule as published by the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109, at its website www.dss.mo.gov/mhd, *[February 1, 2008]* **April 1, 2009.** This rule does not incorporate any subsequent amendments or additions.

(5) Reimbursement.

(A) Reimbursement to the health care provider delivering the medical service at the *[originating site and the]* distant site *[are]* **is** made at the same amount as the current fee schedule *[amount]* for the service provided without the use of a telecommunication system.

(B) The claim for service will use the appropriate *[evaluation and management CPT]* **procedure** code **for the covered services addressed in (2)(C)** and the GT modifier indicating interactive communication was used.

(C) The *[spoke]* **originating** site is eligible to receive a facility fee. **Facility fees are not payable to the distant site.**

(6) Documentation for the Encounter. Patient records at the *[hub]* **distant** and *[spoke]* **originating** sites are to document the Telehealth encounter consistent with the service documentation described in MO HealthNet provider manuals **and bulletins**.

(B) A health care provider shall keep a complete medical record of a Telehealth service provided to a participant and follow applicable state and federal statutes and regulations for medical record keeping and confidentiality in accordance with *[13 CSR 70-3.020]* **13 CSR 70-3.030 and 13 CSR 70-98.015**.

(C) Documentation of a Telehealth service by the health care provider shall be included in the participant's medical record maintained at the participant's location and shall include:

1. The diagnosis and treatment plan resulting from the Telehealth service and progress note by the health care provider;
2. The location of the *[hub]* **distant** site and *[spoke]* **originating** site;
3. A copy of the signed informed consent form; and
4. Documentation supporting the medical necessity of the Telehealth service.

(7) Confidentiality and Data Integrity. All Telehealth activities must comply with the requirements of the Health Insurance Portability and Accountability Act of 1996**, as amended,** and all other applicable state and federal laws and regulations.

(A) A Telehealth service shall be performed on a *[secure]* **private, dedicated** telecommunications line **approved through the Missouri Telehealth Network (MTN). The telecommunications line must be secure and** *[or]* utilize a method of encryption adequate to protect the confidentiality and integrity of the Telehealth service information. **The Missouri Telehealth Network must also approve the equipment that will be used in Telehealth service.**

(B) Both a *[hub]* **distant** site and *[a spoke]* **an originating** site shall use authentication and identification to ensure the confidentiality of a Telehealth service.

(8) Informed Consent.

(A) Before providing a Telehealth service to a participant, a health care provider shall document written informed consent from the participant **or the participant's legal guardian** and shall ensure that the following written information is provided to the participant in a format and manner that the participant is able to understand:

1. The participant shall have the option to refuse the Telehealth service at anytime without affecting the right to future care or treatment and without risking the loss or withdrawal of a MO HealthNet benefit to which the participant is entitled;
2. The participant shall be informed of alternatives to the Telehealth service that are available to the participant;
3. The participant shall have access to medical information resulting from the Telehealth service as provided by law;
4. The dissemination, storage, or retention of an identifiable participant image or other information from the Telehealth service shall not occur without the written informed consent of the participant or the participant's legally authorized representative;
5. The participant shall have the right to be informed of the parties who will be present at the *[spoke]* **originating** site and the *[hub]* **distant** site during the Telehealth service and shall have the right to exclude anyone from either site; and
6. The participant shall have the right to object to the videotaping or other recording of a Telehealth service.

*AUTHORITY: section 208.201, RSMo Supp. [2007] **2008**. Original rule filed Jan. 2, 2008, effective Aug. 30, 2008. Amended: Filed Feb. 17, 2009.*

PUBLIC COST: This proposed amendment will not cost state agencies or political subdivisions more than five hundred dollars ($500) in the aggregate.

PRIVATE COST: This proposed amendment will not cost private entities more than five hundred dollars ($500) in the aggregate.

*NOTICE TO SUBMIT COMMENTS: Anyone may file a statement in support of or in opposition to this proposed amendment with the Department of Social Services, MO HealthNet Division, 615 Howerton Court, Jefferson City, MO 65109. To be considered, comments must be delivered by regular mail, express or overnight mail, in person, or by courier within thirty (30) days after publication of this notice in the **Missouri Register**. If to be hand-delivered, comments must be brought to the MO HealthNet Division at 615 Howerton Court, Jefferson City, Missouri. No public hearing is scheduled.*

This section will contain the final text of the rules proposed by agencies. The order of rulemaking is required to contain a citation to the legal authority upon which the order of rulemaking is based; reference to the date and page or pages where the notice of proposed rulemaking was published in the *Missouri Register*; an explanation of any change between the text of the rule as contained in the notice of proposed rulemaking and the text of the rule as finally adopted, together with the reason for any such change; and the full text of any section or subsection of the rule as adopted which has been changed from that contained in the notice of proposed rulemaking. The effective date of the rule shall be not less than thirty (30) days after the date of publication of the revision to the *Code of State Regulations*.

The agency is also required to make a brief summary of the general nature and extent of comments submitted in support of or opposition to the proposed rule and a concise summary of the testimony presented at the hearing, if any, held in connection with the rulemaking, together with a concise summary of the agency's findings with respect to the merits of any such testimony or comments which are opposed in whole or in part to the proposed rule. The ninety (90)-day period during which an agency shall file its Order of Rulemaking for publication in the *Missouri Register* begins either: 1) after the hearing on the Proposed Rulemaking is held; or 2) at the end of the time for submission of comments to the agency. During this period, the agency shall file with the secretary of state the order of rulemaking, either putting the proposed rule into effect, with or without further changes, or withdrawing the proposed rule.

Title 4—DEPARTMENT OF ECONOMIC DEVELOPMENT
Division 240—Public Service Commission
Chapter 33—Service and Billing Practices for Telecommunications Companies

ORDER OF RULEMAKING

By the authority vested in the Public Service Commission under section 209.251, RSMo Supp. 2008 and sections 209.253, 209.255, 209.257, 209.258, 209.259, 386.040, 386.250, 392.185(1), (2), (3), and (8), and 392.470, RSMo 2000, the commission adopts a rule as follows:

4 CSR 240-33.170 is adopted.

A notice of proposed rulemaking containing the text of the proposed rule was published in the *Missouri Register* on November 3, 2008 (33 MoReg 1942–1945). Those sections with changes are reprinted here. This proposed rule becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rule was held December 3, 2008, and the public comment period ended December 3, 2008. Three (3) written comments were received and one (1) person testified at the hearing. Written comments were received from Comcast Phone of Missouri, LLC (Comcast), the VON Coalition, and the staff of the Missouri Public Service Commission (staff). The person testifying at the hearing was John VanEschen on behalf of the staff. The staff supports the proposed rule; Comcast and the VON Coalition oppose it.

COMMENT #1: Comcast asserts that no rule is necessary. The staff asserts that a rule is necessary. Although it is true that the Relay Missouri Fund has operated since 1991 without a rule, the lack of a rule leaves the commission without any tools to ensure compliance with timely remission requirements.
RESPONSE: The commission agrees with staff that properly promulgated rules are important for ensuring compliance with statutory mandates concerning the Missouri Relay Fund. No change is necessitated by this comment.

COMMENT #2: Comcast asserts that the commission lacks the authority to mandate the content of a Voice-over-Internet Protocol (VoIP) provider's bill. Staff asserts that a clear description of the Relay Missouri Surcharge is necessary to avoid confusion.
RESPONSE AND EXPLANATION OF CHANGE: 2008's Senate Bill 1779, which took effect on August 28, 2008, exempts most telecommunications companies from the billing requirements in the commission rules. As those waivers are separately listed in most company tariffs, the inclusion of a uniform billing requirement in the proposed rule will serve only to cause carriers to make additional requests to amend the list of waivers to include section (1), but will not result in any greater billing clarity. Therefore, the last sentence of section (1) will be deleted, as set forth fully below. However, the commission encourages the use of the phrase "Relay Missouri Surcharge" on customer bills, so that the description is consistent among carriers.

COMMENT #3: Comcast asserts that the proposed rule needs to address confidential treatment of information submitted pursuant to the rule.
RESPONSE: The commission disagrees. Section 386.480, RSMo 2000, already provides protection of information provided to the commission or its staff by companies to which the proposed rule would apply. Furthermore, 4 CSR 240-3.540(4) provides a mechanism whereby a telecommunications company that believes information contained in its annual report is non-public may protect that information by following the procedure set forth in the rule. No change will be made as a result of this comment.

COMMENT #4: Comcast asserts that the proposed rule's definition of "interconnected VoIP service provider" should be the same as in section 386.020(23) RSMo 2000.
RESPONSE: The commission disagrees. The proposed rule does not contain a definition of "interconnected VoIP service provider"; as such, the statutory definition fully applies. No change will be made as a result of this comment.

COMMENT #5: In support of the proposed language, staff comments that the definition of "location" is necessary to prevent confusion and disparate treatment as the statute limits application of the surcharge to no more than one hundred (100) lines per location.
RESPONSE: The commission agrees. No change is necessitated by this comment.

COMMENT #6: In support of the proposed language, staff comments that clarification that the surcharge is not subject to tax, as set forth in section 209.255, RSMo 2000, is necessary.
RESPONSE: The commission agrees. No change is necessitated by this comment.

COMMENT #7: In support of the proposed language, staff comments that reiteration of the *de minimus* exception, as set forth in section 209.257, RSMo 2000, is necessary.

RESPONSE: The commission agrees. No change is necessitated by this comment.

COMMENT #8: In support of the proposed language, staff comments that establishment of a deadline for remitting the surcharge is reasonable and necessary to limit disparate treatment and to assist in enforcing the remittance obligation.
RESPONSE: The commission agrees. No change is necessitated by this comment.

COMMENT #9: Staff questions the ability of the commission to assess a one and one-half percent (1.5%) late fee on delinquent remittances.
RESPONSE AND EXPLANATION OF CHANGE: Section 209.255.1, RSMo 2000, allows the commission to establish a rate recovery mechanism to recover the costs of implementing and maintaining the program. As those carriers who make untimely remittances, or fail to remit, raise the cost incurred to maintain the fund, it would seem reasonable to establish a mechanism by which those carriers that increase the costs are responsible for paying those costs. However, the same section further provides that the commission "shall not vary the amount of the surcharge between telephone companies. . ." In light of the requirement that all companies remit the same amount per access line, the late fee cannot be implemented without additional statutory clarification from the legislature. Therefore, subsections (4)(A), (B), and (C) will be deleted as set forth below.

COMMENT #10: Staff comments that the proposed rule provides that the Relay Missouri Statement information will be located at a stated location on the commission's website. Staff believes that language should be removed from the rule to allow the information to be placed at multiple locations on the commission's website.
RESPONSE AND EXPLANATION OF CHANGE: The proposed deletion in section (5) is reasonable, and the location language will be removed, as fully set forth below.

COMMENT #11: In support of the proposed language, staff comments that it is important to clarify in the rule that companies that are not required to remit surcharge funds need not submit the Relay Missouri Statement.
RESPONSE: The commission agrees. No change is necessitated by this comment.

COMMENT #12: Comcast asserts that proposed section (8) precludes submission of the information required therein through an affiliated competitive local exchange telecommunications company, as is presently permitted. Staff notes that proposed section (7) specifically allows remittance through an affiliate, as long as separate Relay Missouri Statements, for each remitting company, are provided.
RESPONSE: The commission agrees with staff. To the extent that annual reports are presently filed by affiliates on a consolidated basis, nothing in section (8) precludes such a filing. However, such consolidated reports will be required to separately identify the information required in section (8). No change is necessitated by this comment.

COMMENT #13: The VON Coalition asserts that the commission lacks the authority to regulate VoIP providers, that the commission cannot ascertain the jurisdictional nature of calls made over VoIP networks, and that the FCC has indicated that states cannot regulate VoIP services or providers. Any attempted regulation is contrary to public policy in that it would stifle consumer benefits and slow broadband deployment.
RESPONSE: The commission disagrees with the VON Coalition's characterization of the FCC's recent decisions, as they are neither as sweeping nor as definitive as the VON Coalition asserts. The application of the surcharge has absolutely nothing to do with the jurisdictional nature of the communications made in any given account. No review as to the jurisdictional nature of the underlying use of the line is made by any company, nor is intrastate use a prerequisite to assessment by either the FCC or the Missouri legislature under section 209.251, *et seq*.

In addition, the commission notes that section 392.550, RSMo, gives it specific authority to require VoIP providers to collect and remit the Relay Missouri Surcharge.

No change is necessitated by this comment.

COMMENT #14: The VON Coalition asserts that applying a surcharge is sometimes impossible to assess, when some members of the VON Coalition do not render monthly bills to their service subscribers, and some members render no bills.
RESPONSE AND EXPLANATION OF CHANGE: It is clear from the VON Coalition's comments that some VoIP providers do not charge anything after the initial fee, but some render bills annually or some other regularly scheduled billing other than monthly. For those providers who do render bills, an assessment equal to the surcharge for each month of service shall be applied. This amount, assuming it is greater than the *de minimus* exception, shall be remitted to the commission within thirty (30) days after the last day of the calendar month in which the surcharge was collected. For those providers who do not render any bill after the initial service fee, as they cannot assess the surcharge, the *de minimus* exemption applies. Section (3) will be amended accordingly, as set forth below.

4 CSR 240-33.170 Relay Missouri Surcharge Billing and Collections Standards

(1) A telecommunications company providing basic local telecommunications service or an interconnected Voice-over-Internet Protocol service provider shall apply a monthly surcharge to each customer bill as described in this rule.

(3) Pursuant to section 209.257, RSMo 2000, a company shall deduct and retain a certain portion of the total surcharge amount collected each month to recover the billing, collecting, remitting, and administrative costs attributed to the surcharge. The amount a company may retain is known as the "retention amount" and is determined by order of the Missouri Public Service Commission (commission) during a surcharge review. If the monthly amount collected is equal to or less than a minimum flat dollar retention amount set by the commission, the company may simply retain the amount collected from the surcharge. In such situations, the company will not be reimbursed for the difference between the surcharge revenue collected and the minimum retention amount. For companies that bill on a cycle other than monthly, an assessment equal to the surcharge for each month of service shall be applied to customers' bills, so that the remittance to the fund would be the same as if the customers were billed on a monthly basis.

(4) After deducting the retention amount described in section (3), the net revenue collected from the surcharge shall be remitted to the commission no later than thirty (30) days after the last day of the calendar month in which the surcharges were collected.

(5) A company shall compile and submit to the commission a monthly Relay Missouri Statement when remitting surcharge revenues pursuant to section (4) above. The form for compiling the Relay Missouri Statement is electronically available on the commission's website. The Relay Missouri Statement shall include the following information:

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 5—Appeals

ORDER OF RULEMAKING

By the authority vested in the Division of Employment Security under section 288.190, RSMo Supp. 2008, and section 288.220.5, RSMo 2000, the division withdraws a proposed amendment as follows:

8 CSR 10-5.010 Appeals to an Appeals Tribunal **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2008 (33 MoReg 1865–1866). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The division received six (6) comments on the proposed amendment. The Joint Committee on Administrative Rules held a hearing on February 12, 2009.
RESPONSE: As a result, the department is withdrawing this proposed amendment.

COMMENT #1: Robert E. Jones, Bill Froke, and Bonnie Keaton requested that the wording "and, or, their representative or agent" be added to subsection (2)(B). The individuals state that without the additional language attorneys, agents, and other representatives cannot appear on behalf of parties.
RESPONSE: The term representative is defined in subsection (2)(G) of the proposed amendment to this rule. Representatives act on behalf of a party with regard to an unemployment appeal. As a representative of a party, an agent, employer representative, or an attorney could appear and participate in an appeal hearing. The comments will be considered in a future proposed amendment.

COMMENT #2: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke state the proposed change to subsection (2)(F) including the Division of Employment Security as a party to hearings before the division's appeals tribunal exceeds the regulation authority granted to the division by the legislature. The individuals state that nowhere in Chapter 288, RSMo, is the division given the authority to expand the definition of party. They state further that sections 288.070, 288.130, and 288.160, RSMo, identify the employers, claimants, and employing units who may be parties to the appeals process. The individuals note that the first mention of the division being a "party" is in section 288.200.1, RSMo.
RESPONSE: In the case *Haggard v. Division of Employment Security*, 238 S.W.3d 151, 154-55 (Mo. banc 2007) the Missouri Supreme Court indicated that the Division of Employment Security is entitled to representation before the division's appeals tribunal. In the case *Dubinsky Bothers, Inc. v. Industrial Commission of Missouri*, 373 S.W.2d 9, 13-14 (Mo. banc 1963) the Missouri Supreme Court held that the division had an independent right of appeal because it was charged with administration of the employment security law and charged with defending the unemployment trust fund. Appeals referees are representatives of the Division of Employment Security designated by the division director to serve on an appeals tribunal. Section 288.030.1(24), RSMo. Further, section 288.190.3, RSMo, provides that, unless appealed, the decision of the appeals tribunal is deemed the final decision of the division. Based upon the foregoing, the division is clearly a party to proceedings before the appeals tribunal. The comments will be considered in a future proposed amendment.

COMMENT #3: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke state that the proposed change to subsection (2)(E) defining participant is unnecessary and confusing. They state that the regulation is drastically simplified by leaving the term "participant" out completely, and simplifying terms to only "parties, witnesses, representatives, and agents." Additionally, the individuals state that the term "participant" as a term of art is without authority in the statutes referenced, 288.190, RSMo Supp. 2008, and 288.200.5, RSMo. They also state that "use of the term 'participant' rather than the more specific terms 'party,' 'representative,' 'witness,' or 'agent' creates rights and consequences not contemplated by law and inconsistent with the provisions of Chapter 288, RSMo." They state that "only parties defined by statute have rights granted by those statutes and the division does not have authority to extend those rights to others."
RESPONSE: The use of the term "participant" simplifies the rules. The term is defined one (1) time and may be used to refer to any entity or individual taking part in a hearing. It is simpler to refer to participant instead of referring to all entities and individuals to which the provision applies such as "party, representative, agent, and witness." Additionally, the term "participants" may be used to refer collectively to all of these individuals and entities. Furthermore, the Division of Employment Security has regulatory authority to define the term participant with regard to hearings before the appeals tribunal. Section 288.190.2, RSMo, provides that the conduct of hearings shall be in accordance with regulations prescribed by the division and such regulations do not have to conform to common law, statutory rules of evidence, or technical rules of procedure. Finally, the rule is procedural in nature. The rule does not extend or confer substantive rights in contravention of Chapter 288, RSMo. The comments will be considered in a future proposed amendment.

COMMENT #4: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke noted that the proposed change to subsection (2)(J) limits the term witnesses to those who testify. They indicate that witnesses endorsed on the telephone register and individuals who are not called to testify because their testimony is repetitive or immaterial are still witnesses. The individuals state that the proposed change to subsection (2)(J) creates an absurd result and is contrary to the case *Houcks v. American Food and Vending Enterprises, Inc.*, 247 S.W.3d 66.
RESPONSE: The Division of Employment Security has regulatory authority to define the term witness with regard to hearings before the appeals tribunal. Section 288.190.2, RSMo, provides that the conduct of hearings shall be in accordance with regulations prescribed by the division. Parties routinely list individuals on the telephone register who are not competent to be witnesses and who could never serve as a witness in the hearing. Furthermore, the proposed amendment to subsection (2)(J) is not contrary to the case *Houcks v. American Food and Vending Enterprises, Inc.*, 247 S.W.3d 66 (Mo. App. 2008). The court in *Houcks v. American Food and Vending Enterprises, Inc.* did not construe a division rule. The issue decided by the *Houcks v. American Food and Vending Enterprises, Inc.* court was whether the claimant had preserved her due process claim. The comments will be considered in a future proposed amendment.

COMMENT #5: Robert E. Jones, Bill Froke, and Bonnie Keaton state that the proposed change to subsection (3)(A) permitting an employee of an employing unit to file an appeal is contrary to Missouri Supreme Court Rule 5.29 which requires that the employee be in the full-time employment of the entity and in a managerial capacity. They also note that the same language is used in the proposed change to subsection (3)(D).
RESPONSE: In the case *Reed v. Labor and Industrial Relations Commission*, 789 S.W.2d 19, 22-23 (Mo. banc 1990), the Missouri Supreme Court recognized the different degree of legal skill and knowledge required in hearings before the division's appeals tribunal and beyond. Based upon the court's decision in *Reed v. Labor and Industrial Relations Commission*, it appears that the filing of an appeal to the appeals tribunal does not fall within Missouri Supreme Court Rule 5.29 regarding representation in an employment security

proceeding. Therefore, an employee of an employing unit may file an appeal to the appeals tribunal. The comments will be considered in a future proposed amendment.

COMMENT #6: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke noted that the requirement in subsection (3)(A) that an appeal be signed is contrary to current case law, citing *Rector v. Kelly*, 183 S.W.3d 256.
RESPONSE: In the case *Rector v. Kelly*, 183 S.W.3d 256 (Mo. App. 2005), the Missouri Court of Appeals held that, due to inconsistencies in the Division of Employment Security's rules, appeals to the division's appeals tribunal were not required to be signed by the appealing party. The comments will be considered in a future proposed amendment.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 5—Appeals

ORDER OF RULEMAKING

By the authority vested in the Division of Employment Security under section 288.190, RSMo Supp. 2008, and section 288.220.5, RSMo 2000, the division withdraws a proposed amendment as follows:

8 CSR 10-5.015 Appeal Hearings and Procedures **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2008 (33 MoReg 1866–1868). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The division received thirteen (13) comments on the proposed amendment. The Joint Committee on Administrative Rules held a hearing on February 12, 2009.
RESPONSE: As a result, the department is withdrawing this proposed amendment.

COMMENT #1: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke ask the question does changing the word "The" to "A" in subsection (1)(C) mean that anyone who is a hearing officer may take those actions or should it be "the" hearing officer to whom the case is assigned and who will be evaluated under the federal criteria on decisions such as this?
RESPONSE: Generally, the hearing officer assigned to the case will take the actions set forth in subsection (1)(C). However, if the assigned hearing officer is not available or the case has not been assigned to a hearing officer, any hearing officer, such as the supervising hearing officer, may schedule the case for an in-person hearing. The comments will be considered in a future proposed amendment.

COMMENT #2: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke ask the question, given the use of the word "participant" in the proposed amendment to subsection (1)(D), is the location or manner of scheduling to depend upon the location of parties or the location of participants, such as witnesses, or attorneys? They state that this creates the possibility of additional calls, the amount of public cost for which could, and reasonably would, exceed five hundred dollars ($500). Further, Robert E. Jones, Bill Froke, and Bonnie Keaton state that the word "participant" needs to be removed and replaced with the word "party." The individuals also state that the wording of the subsection needs clarification as to whether the subsection is referring to aerial miles or driving miles.
RESPONSE: The amendment to subsection (1)(D) would allow any participant in a hearing to appear by telephone if the participant is located more than fifty (50) miles from the hearing site. This is consistent with the division's current practice to allow parties and witnesses located more than fifty (50) miles from the hearing site to participate in the hearing by telephone. The amendment brings the rule into conformity with current division practice. Therefore, the amendment will not result in additional telephone calls and higher public costs. Furthermore, the word mile as used in the rule would have its plain and ordinary meaning. Therefore, further clarification of the subsection is not necessary. The comments will be considered in a future proposed amendment.

COMMENT #3: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke state with regard to the proposed amendment to section (5) that delaying the mailing of the copies of the file until the notice of hearing is mailed increases the potential for postponement requests and results in the failure to meet time lapse and the loss of hearing slots. The individuals further state that the public costs exceed five hundred dollars ($500).
RESPONSE: Currently, in particular types of cases, it is the division's practice to mail copies of the documents in the appeals file to the parties with the notice of hearing. This practice has not resulted in an increase in postponement requests. Furthermore, the division's current rules under 8 CSR 10-5.015(1) require the division to provide copies of the documents in the appeals file to the parties. The proposed amendment merely changes the timing of that mailing. Therefore, the proposed amendment will not increase the public costs. The comments will be considered in a future proposed amendment.

COMMENT #4: Robert E. Jones, Bill Froke, and Bonnie Keaton requested a wording change to the proposed amendment to section (5). The individuals request that the wording of the section be changed to read "Notice of Hearing shall be mailed . . . attorney who has entered their appearance, and any authorized agent who has a properly submitted authorization from a party." The individuals further request that the word "will" in the last sentence of the section be changed to "shall."
RESPONSE: The requested change in wording would not affect the substance of the section. Additionally, the requested wording change would not enhance the clarity of the section. The comments will be considered in a future proposed amendment.

COMMENT #5: Robert E. Jones, Bill Froke, and Bonnie Keaton state that the proposed change to section (7) is unnecessary and subject to abuse by the parties and hearing officers. The individuals state that the parties are given notice of the appeal and a copy of the appeals tribunal hearing pamphlet. They state that the pamphlet advises parties to begin preparing their cases immediately. Therefore, there should be no excuse for a party to fail to have his or her evidence available when the notice of hearing arrives so that the evidence can be timely supplied as instructed. The individuals state that the new language provides an additional means to abuse the system, create additional delays, postponements, and continuances.
RESPONSE: The proposed amendment of section (7) acknowledges that there are times in which, despite his or her good faith and diligent effort, a party is unable to timely supply evidence to the hearing officer and all parties prior to the hearing. In those situations, the hearing officer will have the discretion to grant the party a continuance of the hearing. To obtain such a continuance, the party will have to demonstrate that he or she made a good faith and diligent effort to supply the evidence in a timely manner. Given the required showing, such continuances should be infrequently granted by the hearing officers. The comments will be considered in a future proposed amendment.

COMMENT #6: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke state that the proposed amendment to subsection (9)(A) is contrary to Missouri Supreme Court Rule 5.29(c).

They state that, under Missouri law, the phrase "other business entity authorized by law" includes sole proprietors.
RESPONSE: The individuals do not specifically set forth the Missouri law, court cases, or statutes to which they are referring. Sole proprietors are individuals. Missouri Supreme Court Rule 5.29(b) pertains to the representation of individuals in employment security proceedings. The proposed amendment to subsection (9)(A) is consistent with Missouri Supreme Court Rule 5.29. The comments will be considered in a future proposed amendment.

COMMENT #7: Robert E. Jones, Bill Froke, and Bonnie Keaton state that the language in subsection (9)(C) is in conflict with earlier changes made in 8 CSR 10-5.010.
RESPONSE: The individuals do not specifically identify the proposed changes to 8 CSR 10-5.010 that they are referencing. Section (9) pertains to participation and representation in hearings before the division's appeals tribunal. Representation in hearings before the appeals tribunal constitutes the practice of law in the state of Missouri. See *Haggard v. Division of Employment Security*, 238 S.W.3d 151 (Mo. banc 2007). The language used in subsection (9)(C) is consistent with Missouri Supreme Court Rule 5.29 regarding representation before the appeals tribunal. The comments will be considered in a future proposed amendment.

COMMENT #8: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke note that under the proposed amendment to subsection (9)(E) employer representatives are not required to file an intent to represent. However, attorneys are required to file an entry of appearance and agents are required to file an authorization signed by the claimant or sole proprietor. The individuals ask why are employer representatives treated differently? The individuals state that the reason for requiring any representative to give notice of their intent to participate is to give the division the proper point of contact and alert the representative to prepare in a timely manner and know what their role as a representative entails. They assert that the requirement reduces the length and costs of hearings. However, they acknowledge that no data exists to support this assertion. Finally, the individuals state that the proposed change removes the appearance that all parties are treated the same with similar expectations.
RESPONSE: Employer representatives are not treated the same as agents and attorneys because they are not similarly situated. Pursuant to Missouri Supreme Court Rule 5.29, employer representatives must be officers or full-time managerial employees of the business entity. This fact puts the employer representatives in a different position than agents and attorneys. Generally, the employers, as business entities, must be represented in every case. Conversely, as individuals, claimants may represent themselves. Claimants do not have to appear through a representative. Therefore, the requirement to file a notice of intent to represent placed a disproportionate burden on employers. In addition, the requirement created a significant amount of confusion among employers. Finally, the requirement to file a notice of intent to represent did not create efficiencies for the division in setting cases. The comments will be considered in a future proposed amendment.

COMMENT #9: Robert E. Jones, Bill Froke, and Bonnie Keaton state that the language in subsection (9)(F) is in conflict with earlier changes made in 8 CSR 10-5.010 and 8 CSR 10-5.015.
RESPONSE: The individuals do not specifically identify the proposed changes to 8 CSR 10-5.010 and 8 CSR 10-5.015 that they are referencing. The proposed change to subsection (9)(F) deletes the phrase "notice of intent" and replaces the phrase with the term "authorization." The proposed change is consistent with other proposed changes to 8 CSR 10-5.010 and 8 CSR 10-5.015. The comments will be considered in a future proposed amendment.

COMMENT #10: Robert E. Jones, Bill Froke, and Bonnie Keaton requested a change in the wording of the proposed amendment to subsection (9)(G). The individuals request that the word "participants" be removed and replaced with the phrase "witnesses, representatives, and agents." They also state paragraph (9)(G)8. should begin with the word "Anyone" instead of "Any participant."
RESPONSE: The requested change in wording would not affect the substance of the subsection. Additionally, the requested wording change would not enhance the clarity of the subsection. The comments will be considered in a future proposed amendment.

COMMENT #11: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke state that addition of the phrase "to which an objection has been made" in the proposed amendment to paragraph (10)(B)4. will lead to the admission of repetitive, irrelevant, and privileged evidence where no objection is made. They state that the proposed amendment will prolong hearings and increase transcript costs. Further, the individuals state that the proposed amendment is contrary to federal requirements for appeal hearings. In addition, Robert E. Jones, Bill Froke, and Bonnie Keaton requested a change in the wording of the proposed amendment to subsection (10)(B). The individuals request that the wording in paragraph (10)(B)4. to read "A party, attorney, representative, or agent may advise . . . ."
RESPONSE: The current rule appears to require the hearing officer to make a formal ruling regarding the admissibility of every piece of evidence presented at the hearing. The proposed amendment clarifies that the hearing officer is required to make a formal ruling regarding the admissibility of evidence to which an objection has been made by a party or representative. The proposed amendment does not alter the sentence in paragraph (10)(B)4. regarding the inadmissibility of irrelevant, immaterial, privileged, or unduly repetitious evidence. As such the proposed amendment is in conformity with federal requirements regarding unemployment insurance appeal hearings. In addition, the proposed amendment will not prolong hearings or increase transcription costs. Lastly, the requested wording change to paragraph (10)(B)4. would not affect the substance of the paragraph. Additionally, the requested wording change would not enhance the clarity of the paragraph. The comments will be considered in a future proposed amendment.

COMMENT #12: Robert E. Jones, Bill Froke, and Bonnie Keaton requested a change in the wording of the proposed amendment to subsection (11)(B). The individuals request that the word "participants" be removed and replaced with the phrase "parties, attorney, representatives, agents, or witnesses."
RESPONSE: The requested change in wording would not affect the substance of the subsection. Additionally, the requested wording change would not enhance the clarity of the subsection. The comments will be considered in a future proposed amendment.

COMMENT #13: Robert E. Jones, Bill Froke, and Bonnie Keaton requested a change in the wording of the proposed amendment to subsection (11)(C). The individuals state that the added language is confusing and needs to be simplified. They also request that the phrase "but in any event" be changed to read "but no later than."
RESPONSE: The requested change in wording would not affect the substance of the subsection (11)(C). Further the proposed amendment to subsection (11)(C) is sufficiently clear as to be understandable to an ordinary person. Additionally, the requested wording change would not enhance the clarity of the subsection. The comments will be considered in a future proposed amendment.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 5—Appeals

ORDER OF RULEMAKING

By the authority vested in the Division of Employment Security under section 288.190, RSMo Supp. 2008, and section 288.220.5, RSMo 2000, the division withdraws a proposed amendment as follows:

8 CSR 10-5.030 Telephone Hearings Before an Appeals Tribunal **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2008 (33 MoReg 1868–1869). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The division received fourteen (14) comments on the proposed amendment. The Joint Committee on Administrative Rules held a hearing on February 12, 2009.
RESPONSE: As a result, the department is withdrawing this proposed amendment.

COMMENT #1: Robert E. Jones, Bill Froke, and Bonnie Keaton state that the listed purpose itself is incorrect and inconsistent with the actions taken in the prior sections.
RESPONSE: It is assumed that the comment is directed at the purpose statement for the proposed amendment. The purpose statement for the amendment accurately reflects the purpose of the amendment. No changes have been made to the rule as a result of this comment.

COMMENT #2: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke stated that the deletion of the provision in subsection (1)(A) regarding the mailing of copies of documents in the appeals file to the parties would save a significant amount of money. The individuals state that the fiscal note showing a public cost of less than five hundred dollars ($500) is inaccurate. The individuals noted that, pursuant to 8 CSR 10-2.020, claimants are currently entitled to copies of material necessary to prepare for the hearing without cost to the claimants. However, employers and employing units are not entitled to copies of those documents without cost. Therefore, deletion of the provision to mail copies of documents from the appeals file to the parties would place the procedure in the same status as was the case when hearings were conducted in person.
RESPONSE: Pursuant to Missouri and federal law, the division must afford all parties to an appeal a reasonable opportunity for a fair hearing (section 288.190, RSMo, and 42 U.S.C. 503). To ensure that all parties to a telephone hearing have the opportunity for a fair hearing, all parties to the case and the hearing officer must have copies of the same documents and material in their possession at the time of the hearing. Therefore, it is necessary for the division to mail copies of documents from the appeals file to all parties in the case. Currently, 8 CSR 10-5.015(1) requires the division to provide copies of documents from the appeals file to the parties in each case. The amendment changes the timing of that mailing. The amendment does not increase the public cost. The comments will be considered in a future proposed amendment.

COMMENT #3: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke stated that the proposed change to subsection (1)(A) will increase confusion during the hearing in narrowing the issues, as irrelevant documentation is always included in the contents of the file and is always mailed to the parties. Further, the individuals state that the terms "contents," "appeals file," and "with the notice of hearing" should be defined.
RESPONSE: The appeals file is assembled by employees of the Division of Employment Security. Generally, an appeals file contains documents relevant to the issue that was appealed. Currently, pursuant to 8 CSR 10-5.015(1), the division mails copies of those documents to the parties in each case. The amendment changes the timing of that mailing. Therefore, the amendment will not increase confusion in the hearings. Further, the rule is sufficiently clear to inform the parties as to the procedure followed by the division. The comments will be considered in a future proposed amendment.

COMMENT #4: Robert E. Jones, Bill Froke, and Bonnie Keaton state that the amendment to subsection (1)(A) will exclude anyone appearing in a representative capacity from being able to use copies of the documents the division mails parties. They further state that the term "party" is specifically defined as not including representatives, agents, or attorneys. They maintain that the amendment is specific and you cannot read into the law that which is not written. The individuals also state that the automatic use of the documents will also increase hearing time and costs to the state.
RESPONSE: Representatives of parties are acting on behalf of the parties, and, as such, the representatives will be able to offer, as exhibits, the documents mailed to the parties by the division. Furthermore, section 288.190.2, RSMo, requires the appeals tribunal to include in the record and consider as evidence all records of the division that are material to the issues in the hearing. The amendment to subsection (1)(A) is consistent with this existing statutory requirement and, therefore, the amendment will not increase hearing times or public costs. The comments will be considered in a future proposed amendment.

COMMENT #5: Robert E. Jones, Bill Froke, and Bonnie Keaton state that the term "known representatives" as used in subsection (1)(B) has no meaning. The individuals ask what is the problem with using the language on the notice of telephone hearing regarding mailing potential exhibits to the address and referee listed on the front of the notice. The individuals further state that "claimants should not be mailing copies to actuaries."
RESPONSE: The term "representative" is defined in section (2) of rule 8 CSR 10-5.010. A representative is acting on behalf of a party to the case. Therefore, the amendment requires the other parties to mail copies of potential exhibits to any such representative of which the parties have knowledge. The language in the proposed amendment clearly apprises the parties of their responsibility to fax, mail, or deliver copies of potential exhibits to representatives of which the parties have knowledge. Furthermore, pursuant to Missouri Supreme Court Rule 5.29, an actuarial firm cannot represent a party in an employment security proceeding before the Division of Employment Security. Therefore, an actuarial firm does not fall within the definition of "representative" in section (2) of rule 8 CSR 10-5.010. The comments will be considered in a future proposed amendment.

COMMENT #6: Robert E. Jones, Bill Froke, and Bonnie Keaton state that the language in subsection (1)(C) is not consistent with other language in the regulations and, therefore, the purpose as described.
RESPONSE: The individuals do not set forth or reference any such inconsistent language. The change to subsection (1)(C) is consistent with the language used in rest of the amendment. The change to subsection (1)(C) is also consistent with the purpose statement of the amendment. The comments will be considered in a future proposed amendment.

COMMENT #7: Robert E. Jones, Bill Froke, and Bonnie Keaton stated that the added language in subsection (2)(B) is not necessary and defeats the purpose by adding the verbiage. The individuals requested that the wording of subsection (2)(B) be changed to read, ". . . shall not be binding on other parties, who may present evidence by telephone." The individuals state that "'party' is defined; 'to the proceeding' is redundant."
RESPONSE: The requested change in wording would not affect the substance of subsection (2)(B). Additionally, the requested wording change would not enhance the clarity of the subsection. The change to subsection (2)(B) is also consistent with the purpose statement of the proposed amendment. The comments will be considered in a future proposed amendment.

COMMENT #8: Robert E. Jones, Bill Froke, and Bonnie Keaton stated that the first occurrence of the word "telephone" in subsection (2)(C) is unnecessary since the sentence already includes information the number was provided for the telephone hearing.
RESPONSE: The requested change in wording would not affect the substance of subsection section (2)(C). Additionally, the requested wording change would not enhance the clarity of the subsection. The comments will be considered in a future proposed amendment.

COMMENT #9: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke state that the proposed amendment to subsection (2)(D) is contrary to case law.
RESPONSE: The individuals do not cite any court cases to support their contention that the proposed amendment to subsection (2)(D) is contrary to case law. Section 288.190.2, RSMo, provides that the conduct of hearings shall be in accordance with regulations prescribed by the division and such regulations do not have to conform to common law, statutory rules of evidence, or technical rules of procedure. The comments will be considered in a future proposed amendment.

COMMENT #10: Robert E. Jones, Bill Froke, and Bonnie Keaton requested a change in the wording of the proposed amendment to subsection (2)(D). The individuals state that the wording of the proposed amendment is confusing and contradictory within the paragraph. They also state that the phrase "at least one" is indecisive and not definite enough to constitute a direction as required by law. Further, the individuals state that the language regarding set asides of dismissals is redundant as dismissals are covered in 8 CSR 10-5.040. The individuals state that subsection (2)(D) should be divided into two (2) parts.
RESPONSE: The wording of the proposed amendment to subsection (2)(D) is sufficiently clear as to be understandable by an ordinary person. The requested change in wording would not affect the substance of the subsection. Additionally, the requested wording change would not enhance the clarity of the subsection. The comments will be considered in a future proposed amendment.

COMMENT #11: Robert E. Jones, Bill Froke, and Bonnie Keaton requested that the wording of subsection (2)(E) be changed to simplify and clarify the subsection.
RESPONSE: The wording of the proposed amendment to subsection (2)(E) is sufficiently clear as to be understandable by an ordinary person. The requested change in wording would not affect the substance of the subsection. Additionally, the requested wording change would not enhance the clarity of the subsection. The comments will be considered in a future proposed amendment.

COMMENT #12: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke asked whether the proposed amendment to subsection (2)(E) was intended to provide "all 'participants' access to Workforce Development offices for hearings?" The individuals state that "the law only requires that parties have access."
RESPONSE: Missouri career centers, which are under the jurisdiction of the Division of Workforce Development, are free public employment offices. See section 288.030.1(16), RSMo. All participants to unemployment insurance hearings would have access to these free public employment offices. The comments will be considered in a future proposed amendment.

COMMENT # 13: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke state that the proposed change to subsection (3)(B) will adversely affect time lapse.
RESPONSE: The proposed change to subsection (3)(B) should not significantly impact case time lapse. An objection by a party to a witness's use of notes to refresh his or her memory is rare. Even if a party did object to the witness's use of notes to refresh his or her memory, the hearing officer would have discretion whether or not to continue the hearing in order for the party sponsoring the witness to provide copies of the notes to the opposing party. The comments will be considered in a future proposed amendment.

COMMENT #14: Robert E. Jones, Bill Froke, and Bonnie Keaton requested a wording change to subsection (3)(D). The individuals state that subsection (3)(D) should be divided into two (2) parts.
RESPONSE: The requested change in wording would not affect the substance of subsection (3)(D). Additionally, the requested wording change would not enhance the clarity of the subsection. The comments will be considered in a future proposed amendment.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 5—Appeals

ORDER OF RULEMAKING

By the authority vested in the Division of Employment Security under section 288.190, RSMo Supp. 2008, and section 288.220.5, RSMo 2000, the division withdraws a proposed amendment as follows:

8 CSR 10-5.040 Orders of an Appeals Tribunal **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2008 (33 MoReg 1869). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The division received one (1) comment on the proposed amendment. The Joint Committee on Administrative Rules held a hearing on February 12, 2009.
RESPONSE: As a result, the department is withdrawing this proposed amendment.

COMMENT: Bonnie Keaton, Thomas C. Williams, Robert E. Jones, and Bill Froke state that the provision in section (2) requiring a hearing on both the merits as well as the threshold issue of whether the appellant had good cause for failing to appear at the prior hearing, when it is clear during the hearing that the appellant cannot prevail on the threshold issue, will result in increased costs for hearing, transcripts, and personnel without producing any benefit. The individuals suggest that the fiscal note pertaining to this proposed amendment should reflect that the amendment will result in significant costs to the public in excess of five hundred dollars ($500).
RESPONSE: Currently, when a dismissal order of an appeals tribunal is set aside due to the appellant's failure to appear at the prior hearing, it is the division's practice to schedule a new hearing to take evidence on both the threshold issue of the appellant's failure to appear at the prior hearing and the merits of the case. The division's current practice is based upon judicial economy. If the appellant should prevail on the threshold issue, either at the appeals tribunal or on further appeal, a decision can be issued on the merits of the case without the parties having to attend a second hearing. The amendment brings the regulation in to conformity with the division's current practice. Therefore, the amendment will not increase costs to public entities. The comments will be considered in a future proposed amendment.

Title 8—DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS
Division 10—Division of Employment Security
Chapter 5—Appeals

ORDER OF RULEMAKING

By the authority vested in the Division of Employment Security under section 288.190, RSMo Supp. 2008, and section 288.220.5, RSMo 2000, the division withdraws a proposed amendment as follows:

8 CSR 10-5.050 Decisions of an Appeals Tribunal **is withdrawn**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2008 (33 MoReg 1869–1870). This proposed amendment is withdrawn.

SUMMARY OF COMMENTS: The division received five (5) comments on the proposed amendment. The Joint Committee on Administrative Rules held a hearing on February 12, 2009.

RESPONSE: As a result, the department is withdrawing this proposed amendment.

COMMENT #1: Robert E. Jones, Bill Froke, and Bonnie Keaton requested that the word "competent" be added before the word "evidence" in section (2).

RESPONSE: The word "competent" is unnecessary. Section 18 of Article V of the *Missouri Constitution* requires administrative decisions, where a hearing is required by law, to be supported by competent and substantial evidence on the whole record. Subsection 3 of section 288.190, RSMo, requires the Division of Employment Security's appeals tribunal to provide parties with a reasonable opportunity for a fair hearing. Therefore, the decisions are constitutionally required to be supported by competent and substantial evidence on the whole record. The comments will be considered in a future proposed amendment.

COMMENT #2: Robert E. Jones, Bill Froke, and Bonnie Keaton requested that the wording of section (3) be changed to read, "and the method by which to file the Application."

RESPONSE: The requested change in wording would not affect the substance of the section. Additionally, the requested wording change would not enhance the clarity of the section. The comments will be considered in a future proposed amendment.

COMMENT #3: Robert E. Jones, Bill Froke, and Bonnie Keaton requested that the wording of section (5) be changed to "remove the wordiness, simplify, and clarify" the section. The individuals further requested that the placement of the sentences within the section be changed.

RESPONSE: The wording of section (5) of the proposed amendment is sufficiently clear as to be understandable to an ordinary person. The requested change in wording would not affect the substance of the section. Additionally, the requested wording change would not enhance the clarity of the section. The comments will be considered in a future proposed amendment.

COMMENT #4: Robert E. Jones, Bill Froke, and Bonnie Keaton noted that section (5) does not contain a requirement of any cause to set aside a decision. The individuals stated that "at a minimum, a prima facia showing of good cause should be required."

RESPONSE: Subsections 3 and 4 of section 288.190, RSMo, grant the Division of Employment Security's appeals tribunal, on its own motion or the motion of a party, the authority to reconsider any decision. In addition, those subsections set forth the standard for granting reconsideration. The appeals tribunal may reconsider a decision "when it appears that such reconsideration is essential to the accomplishment of the object and purpose" of the employment security law. Therefore, it is unnecessary to set forth a standard for setting aside a decision in section (5) of the rule. The comments will be considered in a future proposed amendment.

COMMENT #5: Robert E. Jones, Bill Froke, and Bonnie Keaton state that section (5) "will result in additional hearings and costs." The individuals further state that "a fiscal note appears to be in order as the costs will exceed $500 in the aggregate."

RESPONSE: Section (5) of the rule will not increase the number of hearings or increase the costs to private or public entities. Subsections 3 and 4 of section 288.190, RSMo, grants the Division of Employment Security's appeals tribunal the authority to reconsider any decision. Section (5) of the rule is consistent with the tribunal's existing statutory authority to reconsider decisions. The comments will be considered in a future proposed amendment.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 1—Organization and Administration

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission amends a rule as follows:

11 CSR 45-1.090 Definitions **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2317–2318). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 6, 2009, and the public comment period ended on December 31, 2008. No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission amends a rule as follows:

11 CSR 45-5.053 Policies **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2318). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 6, 2009, and the public comment period ended on December 31, 2008. No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 5—Conduct of Gaming

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission amends a rule as follows:

11 CSR 45-5.100 Chip Specifications **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2318–2319). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 6, 2009, and the public comment period ended on December 31, 2008. No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 6—Operation of the Riverboat

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission rescinds a rule as follows:

11 CSR 45-6.040 Five Hundred Dollar-Loss Limit **is rescinded**.

A notice of proposed rulemaking containing the proposed rescission was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2319). No changes have been made to the proposed rescission, so it is not reprinted here. This proposed rescission becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed rescission was held on January 6, 2009, and the public comment period ended on December 31, 2008. No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 8—Accounting Records and Procedures; Audits

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission amends a rule as follows:

11 CSR 45-8.120 Handling of Cash at Gaming Tables **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2319–2320). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 6, 2009, and the public comment period ended on December 31, 2008. At the public hearing no comments were received. Written comments were received from the Missouri Gaming Association on behalf of the industry.

COMMENT #1: In the written comments submitted by the Missouri Gaming Association, they requested a change to subsection (1)(B), to delete "in a tone of voice calculated to be heard by the patron and the casino supervisor" and insert "to the patron and the casino supervisor" in its place. Judging the tone of a dealer or box person's voice would be extremely difficult and subject to interpretation. This should be left up to each individual property.
RESPONSE: Portions of the rule addressed in this comment were not included in the proposed amendment officially filed by the commission. The commission recommends this issue be addressed in a separate amendment at a later date. No changes have been made to the rule as a result of this comment.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission amends a rule as follows:

11 CSR 45-9.010 Definition of Licensee **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2320). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 6, 2009, and the public comment period ended on December 31, 2008. No comments were received.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission amends a rule as follows:

11 CSR 45-9.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2320). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 6, 2009, and the public comment period ended on December 31, 2008. At the public hearing no comments were received. Written comments were received from the Missouri Gaming Association (MGA) on behalf of the industry.

COMMENT #1: MGA requested a change to section (1). Section (1) restricts a licensee to carrying out said regulation only if directed by the commission to do so. The industry would like the phrase "if so directed by the commission" to be deleted from section (1).
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees to clarify the intent of the language in section (1). This

change expanded the definition of licensee to allow the commission to require licensees, other than Class B licensees, to submit internal controls.

COMMENT #2: MGA in their written comments requested the deletion of the new language in subsection (1)(C). The industry feels this has the potential of facilitating a process that permits properties to be treated differently.
RESPONSE: The commission disagrees with this comment. The commission shall require licensees, other than Class B licensees, to establish internal controls when appropriate in order to monitor their procedures. No change was made.

11 CSR 45-9.020 Objectives of an Internal Control System

(1) Each Class B licensee and other licensees as directed by the commission shall establish an internal control system that includes the following:

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission amends a rule as follows:

11 CSR 45-9.030 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2320–2322). Those sections with changes are reprinted here. Additionally, changes have been made to the *Minimum Internal Control Standards* (MICS) as adopted by reference in this rule. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 6, 2009, and the public comment period ended on December 31, 2008. At the public hearing no comments were received. Written comments were received from the Missouri Gaming Association (MGA) and commission staff.

General Comments:
COMMENT #1: MGA in a general comment requested in the MICS Chapters E, H, and R, that contain references to coins, coin drops, token(s), hoppers, total fills, drop buckets, and other related terms no longer relevant be deleted throughout the MICS, as appropriate.
RESPONSE: The portions of the rule addressed in the comment were not included in the proposed amendment officially filed by the commission. No changes have been made to the rule as a result of this comment. The commission agrees with all comments and they shall be addressed in the next MICS Chapters E, H, and R rewrite.

The following comments pertain to MICS Chapter B:
COMMENT #2: MGA commented on MICS Chapter B §2.03: There has been previous discussion on MICS Chapter B §2.03. It is our understanding an escort can change as it is not uncommon to have a shift change halfway through a drop. When this occurs, the key log entry may not always reflect the escort change. In the event that someone checks the log and discovers that the replacement's name is missing, we would like the commission's assurance that this will not result in an infraction. The language does not appear to provide this flexibility.
RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comment and to preclude the misinterpretation of the requirement MICS Chapter B §2.03 has been modified.

COMMENT #3: MGA commented on MICS Chapter B §3.01: In this section, the requirement to include the key access list in the internal controls (ICs) is restrictive and will result in increased emergency approval requests. Please delete "and included in Chapter B of the Internal Control System." Also in MICS Chapter B §3.01(A)(2), please delete the requirement to include a key identifier/stamp on the key. It would be difficult to develop a meaningful identification system as requested and is likely to cause significant confusion.
RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comment and amended the language. The commission disagrees with the deletion of the requirement to include a key identifier. The key identifier is critical to key accountability—one must be able to identify the keys.

COMMENT #4: MGA commented on MICS Chapter B §4.02: The language restricting issuance to the "count team lead" is concerning as some of the smaller properties do not have a "lead." Please add "/or designee" after count team lead to address this.
RESPONSE: The commission disagrees with this comment. The MGC does not want to lower the standards set forth in the MICS. These job duties should be performed by the supervisor of the count team. MICS Chapter A §1.06 allows for employees to perform the duties of their supervisor as a "dual rate." A property could address their "staffing problems" by using this mechanism, if they designated certain individuals as "dual-rate employees." MICS Chapter A §1.06 details the documentation that is required. Checking out keys cannot be used as documentation to determine who is performing as lead count representative on a given day. It is MGC's expectation that one individual shall be responsible for supervising the count team and its activities. No changes have been made to the rule as a result of this comment.

COMMENT #5: MGA noted there are several comments related to MICS Chapter B §7.01 as follows: (I) delete "Change Cart Key;" (O) please further define what a "Controller Key" is; (X) delete "Hard;" (Y) delete "Weigh Scale Calibration Key;" and (BB) is there a need for EGD Top Box to be a sensitive key?
RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comment and considers it well-founded. The proposed amendment has been modified. The commission will delete (I) Change Cart Key, (X) Hard Count Room Keys and (Y) Weigh Scale Calibration Key. The definition of Controller Key is to adjust progressive jackpot meters or access critical program storage media (CPSM) game programs. The Top Box Key is needed because there are games that have a Random Number Generator located in the Top Box which must be secured.

COMMENT #6: Commission staff commented on MICS Chapter B §7.01(C) to delete the "EGD Drop Door Key" that was used to grant access to the drop compartment, which housed coin overflow from the above hopper. As of December 19, 2008, all Missouri casinos are one hundred percent (100%) coinless; therefore, they do not contain or house any coin within the drop compartment.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment and adopts the change.

The following comments pertain to MICS Chapter D:
COMMENT #7: MGA commented that the procedures contained in MICS Chapter D §6.06 are inconsistent with the procedures in MICS Chapter R. We would request one (1) procedure for all forms.
RESPONSE: Portions of the rule addressed in the comment were not included in the proposed amendment officially filed by the commission. No changes have been made to the rule as a result of this comment. This shall be addressed in the next MICS Chapter D rewrite.

COMMENT #8: MGA's concern in MICS Chapter D §10.04(B) is similar to the comment previously mentioned in 11 CSR 45-8.120(1)(B). Judging the tone of a dealer or box person's voice would be extremely difficult and subject to interpretation. This should be left up to the discretion of each individual property.
RESPONSE: The portions of the rule addressed in the comment were not included in the proposed amendment officially filed by the commission. No changes have been made to the rule as a result of this comment. This shall be addressed in the next MICS Chapter D rewrite.

COMMENT #9: MGA requested additional language by adding "at minimum" before "a matching wager" in MICS Chapter D §10.06. This will allow patrons to use a coupon that exceeds the value of a wager instead of restricting the amount to an equal wager.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment and adopts the change.

The following comments pertain to MICS Chapter E:
COMMENT #10: MGA noted there are several comments related to MICS Chapter E §4.04 as follows: change the second tier jackpot amount from "$1,200–$4,999" to "$1,200–$10,000;" delete the third tier entirely; change the fourth tier jackpot amount from "$10,000.01–$24,999" to "$10,000.01–$49,999.99;" and change the fifth tier jackpot amount from "$25,000 +" to "$50,000 +"
RESPONSE: The portions of the rule addressed in the comment were not included in the proposed amendment officially filed by the commission. No changes have been made to the rule as a result of this comment. This shall be addressed in the next MICS Chapter E rewrite.

COMMENT #11: MGA requested a change in MICS Chapter E §4.12 which specifies a position above slot supervisor to sign overrides. Please add "/or designee" after "slot supervisor" as some of the smaller properties do not have the staffing to keep a position above a slot supervisor on the clock at all times.
RESPONSE: The commission disagrees with this comment. A casino may write in for a variance to allow another position to be able to sign overrides. Overrides have to be controlled at a high level of supervision. No changes have been made to the rule as a result of this comment.

COMMENT #12: MGA commented in MICS Chapter E §11.02(D), slot wallets contain no more than ten thousand dollars ($10,000) and can be used to pay out on jackpots under five thousand dollars ($5,000). Please increase the payout ability to ten thousand dollars ($10,000) to be consistent with the maximum dollar value in the slot wallet.
RESPONSE: Portions of the rule addressed in the comment were not included in the proposed amendment officially filed by the commission. No changes have been made to the rule as a result of this comment. This shall be addressed in the next MICS Chapter E rewrite.

COMMENT #13: MGA commented in MICS Chapter E §14.27 "Section" G needs to be changed to "Chapter" G.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment and adopts the change in Chapter E §14.27, and also makes the same change in Chapter E §16.21.

COMMENT #14: MGA commented—after previous discussion on the removal of MICS Chapter E §14.34—we would like to reiterate our desire to restore our ability to utilize cashier generated tickets. MGA is willing to discuss options that could provide acceptable controls to ensure transparency.
RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comment and decided to allow cashier generated tickets in limited circumstances. The commission amended the language to add limits of minimum amounts that can be generated. The increased limit will be able to trigger a Multiple Transaction Log (MTL).

COMMENT #15: MGA requested in MICS Chapter E §15.06, the word "critical" needs to be removed from "critical sensitive keys."
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment, since the word "critical" was removed throughout MICS Chapter B, and adopts the change.

COMMENT #16: MGA commented that currently, MICS Chapter E §15.09 states the maximum ticket value that can be paid out by a kiosk is one thousand dollars ($1,000) in U.S. currency. We would like to see an increased amount.
RESPONSE: Portions of the rule addressed in the comment were not included in the proposed amendment officially filed by the commission. No changes have been made to the rule as a result of this comment. This shall be addressed in the next MICS Chapter E rewrite.

The following comments pertain to MICS Chapter H:
COMMENT #17: MGA questioned a statement in MICS Chapter H §5.05. If there is more than one (1) main bank cashier working during a shift, each cashier shall participate in the incoming count and the outgoing count for that shift. We feel this should be left up to each individual property as there will be instances that an employee is not able to complete his/her shift due to illness, which could result in an infraction according to this language. In addition, this removes the flexibility to cut back on staffing needs during a slot shift.
RESPONSE: The commission disagrees with this comment, as it further clarifies existing regulations and expectations for main bank accountability. No change was made.

COMMENT #18: MGA requested a change in MICS Chapter H §13.02. Currently, chips, tokens and tickets totaling up to one thousand dollars ($1,000) may be redeemed by mail; we would like to see an increased amount such as two thousand five hundred dollars ($2,500). Also, the word "tokens" needs to be removed as previously mentioned in a generalized request.
RESPONSE: The portions of the rule addressed in the comment were not included in the proposed amendment officially filed by the commission. No changes have been made to the rule as a result of this comment. This shall be addressed in the next MICS Chapter H rewrite.

COMMENT #19: MGA commented about a previous discussion on MICS Chapter H §15.03, which deals with generic real rewards. Currently, marketing employees do not have access to the main bank. However, the language indicates if the coupons are stored in the main bank, they shall be locked in a secure area and the key to the area must be only accessible to marketing employees. This is conflicting. We would request that for properties choosing to store their coupons in the main bank, marketing employees be afforded an ability to access the main bank with an acceptable security escort.
RESPONSE: The commission disagrees with the comments. Properties that choose to store their coupons in the main bank may allow in their internal control standards marketing employees the ability to access the main bank with an acceptable security escort. No change was made.

COMMENT #20: MGA commented the language contained in MICS Chapter H §15.16 dealing with the redemption of promotional tickets/coupons is excessive and creates a triple check. Please delete the underlined portion beginning with "The main bank . . ." and ending with "reimbursing the cashier."
RESPONSE: The commission disagrees with the comment since each person involved must verify the transaction in order to have true accountability.

COMMENT #21: The commission staff requested cashier generated

tickets be deleted in MICS Chapter H §16.10 and §16.11 to match their deletion in MICS Chapter E.
RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comment and decided to allow cashier generated tickets in limited circumstances. The commission amended the language in MICS Chapter H §16.10 to add limits of minimum amounts that can be generated. The increased limit will be able to trigger a Multiple Transaction Log (MTL).

The commission will not delete the language in MICS Chapter H §16.11. It will remain part of the rule.

The following comments pertain to MICS Chapter I:
COMMENT #22: Commission staff recommended the following changes be made to the proposed MICS Chapter I §8.02(F)(8) and (9)—delete both ticket generated devices and cashier generated tickets.
RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comment and will delete MICS Chapter I §8.02(F)(8)—ticket-generating devices (TGDs) since these are slot machines.

The commission will not delete the language as proposed in MICS Chapter I §8.02(F)(9) pertaining to cashier generated tickets. It will remain part of the rule.

The following comments pertain to MICS Chapter J:
COMMENT #23: Commission staff noted in MICS Chapter J §1.13 that it should be revised by deleting "through the turnstile." With the use of new technology, casinos may not have turnstiles.
RESPONSE AND EXPLANATION OF CHANGE: The commission has considered the comment and amended the language of the rule.

COMMENT #24: Commission staff commented on MICS Chapter J asking for clarification of MICS Chapter J §2.02 with regard to who will be swiping the ticket of admission. Also, add the language as contained in MICS Chapter J regarding ticketing representatives.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment and adopts the changes.

COMMENT #25: The commission staff would like to add the following from the emergency verbiage in MICS Chapter J §2.03 to this chapter: "Should a ticketing representative not be available to post at any turnstile, the turnstile shall be immediately closed." This will be required if casinos use cards.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment and adopts the changes.

The following comments pertain to MICS Chapter N:
COMMENT #26: MGA commented on the language in MICS Chapter N §1.07 which states security personnel is not required for hand-paid jackpots less than one thousand two hundred dollars ($1,200). According to commission variance #0645-07 dated 10/30/07, movement of hand-paid jackpots less than five thousand dollars ($5,000) are permitted without security personnel. However, in consideration of our request to increase the second tier jackpot amount in MICS Chapter E §4.04 from "$1,200–$4,999" to "$1,200–$10,000." Please increase the amount from "less than $1,200" to "up to $10,000" to be consistent.
RESPONSE: The portions of the rule addressed in the comment were not included in the proposed amendment officially filed by the commission. No changes have been made to the rule as a result of this comment. This shall be addressed in the next MICS Chapter N rewrite.

The following comments pertain to MICS Chapter P:
COMMENT #27: Commission staff recommends changes to be made to the proposed MICS Chapter P, Excluded Persons. The reason for the change to MICS Chapter P §2.09 is to require the incident to be reported to the local prosecutor, while in reality an MGC agent would do this. The casino just needs to be available to participate in the proceedings of the case. This original language reflects the language in the *Code of State Regulations* (CSRs), but is not consistent with currently accepted procedures.
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees with this comment and adopts the changes.

The following comments pertain to MICS Chapter R:
COMMENT #28: MGA commented there are several items to delete in the Forms Index as follows: EGD Hopper Fill Slip; EGD Sweeps Log; Weigh Scale Calibration Module Access Log; and Weigh Scale Tape. Also, is Token Inventory Ledger necessary or should it be deleted?
RESPONSE: The portions of the rule addressed in the comment were not included in the proposed amendment officially filed by the commission. No changes have been made to the rule as a result of this comment. This shall be addressed in the next MICS Chapter R rewrite.

11 CSR 45-9.030 Minimum Internal Control Standards

(4) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter B–Key Controls, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter B does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(6) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter D–Table Games (Live Games), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter D does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(7) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter E–Electronic Gaming Devices (EGDs), which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter E does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(10) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter H–Casino Cashiering, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter H does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(11) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter I–Casino Accounting, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter I does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(12) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter J–Admissions, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter J does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

(18) The commission shall adopt and publish minimum standards for internal control procedures that in the commission's opinion satisfy 11 CSR 45-9.020, as set forth in MICS Chapter P–Excluded Persons, which has been incorporated by reference herein, as published by the Missouri Gaming Commission, 3417 Knipp Dr., PO Box 1847, Jefferson City, MO 65102. Chapter P does not incorporate any subsequent amendments or additions as adopted by the commission on January 14, 2009.

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 9—Internal Control System

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission amends a rule as follows:

11 CSR 45-9.040 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2322–2323). The section with changes is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 6, 2009, and the public comment period ended on December 31, 2008. At the public hearing no comments were received. Written comments were received from the Missouri Gaming Association (MGA) on behalf of the industry.

COMMENT #1: MGA requested a change to section (1). Section (1) restricts a licensee to carrying out said regulation only if directed by the commission to do so. The industry would like the phrase "if so directed by the commission" to be deleted from section (1).
RESPONSE AND EXPLANATION OF CHANGE: The commission agrees to clarify the intent of the language in section (1). This change expanded the definition of licensee to allow the commission to require licensees, other than Class B licensees, to submit internal controls. The commission shall require licensees, other than Class B licensees, to establish internal controls when appropriate in order to monitor their procedures.

11 CSR 45-9.040 Commission Approval of Internal Control System

(1) Each Class B licensee and other licensees as directed by the commission shall describe, in a manner that the commission may approve or require, its administrative and accounting procedures in detail in a written system of internal control. Each written system must include a detailed narrative description of the administrative and accounting procedures designed to satisfy the requirements of 11 CSR 45-9.020 and 11 CSR 45-9.030(1). Additionally, this description shall include a separate section for the following:

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission amends a rule as follows:

11 CSR 45-11.020 is amended.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2323–2326). No changes have been made to the text of the proposed amendment; however, a change has been made to the form attached to this regulation and is reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 6, 2009, and the public comment period ended on December 31, 2008. At the public hearing no comments were received. Written comments were received from the Missouri Gaming Association (MGA) on behalf of the industry.

COMMENT #1: MGA requested on both the Deposit Adjustment Form and the Claim For Refund Or Credit Form to change "Class A" to "Class B."
RESPONSE AND EXPLANATION OF CHANGE: The Deposit Adjustment Form is being deleted from the regulation as proposed, since it is no longer used. The Claim For Refund Or Credit Form will be updated to reflect submission of the form by Class B licensees.

11 CSR 45-11.020 Deposit Account—Taxes and Fees

MISSOURI GAMING COMMISSION
P.O. BOX 1847
3417 KNIPP DRIVE
JEFFERSON CITY, MISSOURI 65102

CLAIM FOR REFUND OR CREDIT FORM

FOR COMMISSION USE ONLY
DATE RECEIVED
CLAIM NUMBER

CLAIMANT

This form is submitted by _____, a Class B licensee ("Licensee"), in compliance with 11 CSR 45-11.110, to the Missouri Gaming Commission ("Commission") as a claim for refund or credit for tax or fee liability. In submitting this form, Licensee states the following:

1. The tax or fee, penalty or interest, listed below has been paid by reason other than clerical error or mistake on the part of the Commission:

   Gaming Date: _____ Type of Tax or Fee: _____

   Tax or Fee Amount Paid: $ _____

   Tax or Fee Amount Due: $ _____

   Amount of Overpayment: $ _____

   Reason for overpayment: _____

   _____

2. This claim for refund or credit is being filed in duplicate and amended returns for all periods involved in the overpayment are attached hereto.

3. This claim for refund or credit is being filed within three (3) years from the date of overpayment, as determined under 11 CSR 45-11.110(1).

4. Pursuant to 11 CSR 45-11.110(2), Licensee is requesting the following action by the Commission (please check one):

   ____ Issuance of a credit memorandum in the amount of overpayment, which may be applied in satisfaction of subsequent tax or fee liability.

   ____ Issuance of a refund on the amount of overpayment. A refund shall only be available if a credit cannot be taken on the next return filed with the Commission.

5. Licensee acknowledges that a refund, in accordance with 11 CSR 45-11.110(5)(A), may be made with interest as determined by Section 32.065, RSMo, and that a credit, in accordance with 11 CSR 45-11.110(5)(B), shall be made without interest.

SIGNATURE

The undersigned declares this claim and any attached information supporting the claim is true, complete, and accurate and hereby acknowledges that, in accordance with Sections 313.812.14(1), and 313.830.4, RSMo, any holder of a Missouri gaming license who knowingly makes a false statement to the Commission, its agents, or employees is subject to discipline, including but not limited to fine, suspension, and revocation.

_____ _____
(NAME) (SIGNATURE)

_____ _____
(POSITION) (DATE)

FOR COMMISSION USE ONLY

COMMISSION ACTION

Upon review of this claim and any attached information supporting the claim, the Commission has taken the following action:

____ Approval Of The Claim In The Following Amounts:
Refund/Credit Total: $ _____

____ Denial Of Claim: A request for a hearing to review a denial may be filed within 30-days from the date of denial. The hearing would be governed by 11 CSR 45-13.

Explanation: _____

_____

_____ _____
(AUTHORIZED SIGNATURE) (DATE)

Distribution: Original - MGC **Copy** - Claimant

Title 11—DEPARTMENT OF PUBLIC SAFETY
Division 45—Missouri Gaming Commission
Chapter 11—Taxation Regulations

ORDER OF RULEMAKING

By the authority vested in the Missouri Gaming Commission under section 313.805, RSMo Supp. 2008, the commission amends a rule as follows:

11 CSR 45-11.050 Admission Fee **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on December 1, 2008 (33 MoReg 2326). No changes have been made to the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: A public hearing on this proposed amendment was held on January 6, 2009, and the public comment period ended on December 31, 2008. No comments were received.

Title 13—DEPARTMENT OF SOCIAL SERVICES
Division 70—MO HealthNet Division
Chapter 20—Pharmacy Program

ORDER OF RULEMAKING

By the authority vested in the MO HealthNet Division under sections 208.201 and 338.505, RSMo Supp. 2008, the division amends a rule as follows:

13 CSR 70-20.320 Pharmacy Reimbursement Allowance **is amended**.

A notice of proposed rulemaking containing the text of the proposed amendment was published in the *Missouri Register* on October 15, 2008 (33 MoReg 1871–1873). No changes have been made in the text of the proposed amendment, so it is not reprinted here. This proposed amendment becomes effective thirty (30) days after publication in the *Code of State Regulations*.

SUMMARY OF COMMENTS: No comments were received.

The Secretary of State is required by sections 347.141 and 359.481, RSMo 2000 to publish dissolutions of limited liability companies and limited partnerships. The content requirements for the one-time publishing of these notices are prescribed by statute. This listing is published pursuant to these statutes. We request that documents submitted for publication in this section be submitted in camera ready 8 1/2" x 11" manuscript by email to dissolutions@sos.mo.gov.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST THE BERKSHIRE COMPANY

On January 28, 2009, The Berkshire Company, a Missouri corporation (the "Company"), filed its Resolution to Dissolve Affidavit with the Missouri Secretary of State. The dissolution and termination of the Company was effective on February 5, 2009.

The Company requests that all persons and entities with claims against the Company present them in accordance with this notice.

All claims against the Company must be in writing and must include the name, address and telephone number of the claimant, the amount of the claim or other relief demanded, the basis of the claim, the date or dates on which the events occurred which provide a basis for the claim, and copies of any available document supporting the claim. All claims should be mailed to Michael E. Long, Stinson Morrison Hecker LLP, 168 North Meramec Avenue, Suite 400, St. Louis, Missouri 63105.

Any claim against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

NOTICE OF CORPORATE DISSOLUTION

TO ALL CREDITORS OF AND CLAIMANTS AGAINST

BRANDON BROTHERS FAIR-WAY FURNITURE CO.

On February 17, 2009, BRANDON BROTHERS FAIR-WAY FURNITURE CO., a Missouri corporation (the "Company"), filed its Articles of Dissolution with the Missouri Secretary of State. The dissolution and termination of the Company was effective on February 17, 2009.

The Company requests that all persons and entities with claims against the Company present them in accordance with this notice.

All claims against the Company must be in writing and must include the name, address and telephone number of the claimant, the amount of the claim or other relief demanded, the basis of the claim, the date or dates on which the events occurred which provide a basis for the claim, and copies of any available document supporting the claim. All claims should be mailed to R. Troy Kendrick, Jr., Stinson Morrison Hecker LLP, 168 North Meramec Avenue, Suite 400, St. Louis, Missouri 63105.

Any claim against the Company will be barred unless a proceeding to enforce the claim is commenced within two (2) years after the publication of this notice.

**NOTICE OF CORPORATE DISSOLUTION
TO ALL CREDITORS OF AND CLAIMANTS AGAINST
MIDWEST INTERIOR DESIGN, LLC**

On February 12, 2009, Midwest Interior Design, LLC, a Missouri limited liability company, filed a Notice of Winding Up and Articles of Termination with the Missouri Secretary of State.

All persons and organizations who have claims against Midwest Interior Design, LLC should present them immediately to Tre M. Hall, 1703 Falcon, Suite C, Webb City, Missouri 64870.

Each claim must include:

1. the name, address and phone number of the claimant;
2. the dollar amount claimed;
3. the date on which the claim arose;
4. the basis for the claim; and
5. documentation for the claim.

A claim against Midwest Interior Design, LLC will be barred unless a proceeding to enforce the claim is commenced within three years after the publication date of the last to be published of the three notices of the limited liability company's dissolution authorized by statute.

NOTICE OF CORPORATE DISSOLUTION TO ALL CREDITORS OF AND CLAIMANTS AGAINST WETZEL CLINIC, INC.

Wetzel Clinic, Inc., a Missouri corporation ("Wetzel"), filed Articles of Dissolution with the Missouri Secretary of State, effective January 26, 2009.

Persons with claims against Wetzel must present them in writing to: Wetzel Clinic, Inc., c/o Joseph L. Hiersteiner, at 2800 Commerce Tower, 911 Main Street, Kansas City, Missouri 64105. Claims must include: (1) the claimant's name, address and telephone number; (2) the amount of the claim; (3) the date on which the claim arose; and (4) a brief description of the nature of the debt or the basis for the claim.

Claims against Wetzel will be barred unless the proceeding to enforce the claim is commenced within two years after the publication of this notice.

This cumulative table gives you the latest status of rules. It contains citations of rulemakings adopted or proposed after deadline for the monthly Update Service to the *Code of State Regulations*, citations are to volume and page number in the *Missouri Register*, except for material in this issue. The first number in the table cite refers to the volume number or the publication year—30 (2005) and 31 (2006). MoReg refers to *Missouri Register* and the numbers refer to a specific *Register* page, R indicates a rescission, W indicates a withdrawal, S indicates a statement of actual cost, T indicates an order terminating a rule, N.A. indicates not applicable, RAN indicates a rule action notice, RUC indicates a rule under consideration, and F indicates future effective date.

Rule Number	Agency	Emergency	Proposed	Order	In Addition
	OFFICE OF ADMINISTRATION				
1 CSR 10	State Officials' Salary Compensation Schedule				30 MoReg 2435
	DEPARTMENT OF AGRICULTURE				
2 CSR 70-11.050	Plant Industries	33 MoReg 1795	34 MoReg 183		
2 CSR 70-40.005	Plant Industries		33 MoReg 1803	34 MoReg 236	
2 CSR 90-10	Weights and Measures				33 MoReg 1193
2 CSR 90-10.001	Weights and Measures		33 MoReg 2089	34 MoReg 310	
2 CSR 90-10.011	Weights and Measures	33 MoReg 2081	33 MoReg 2089	34 MoReg 310	
2 CSR 90-10.012	Weights and Measures	33 MoReg 2082	33 MoReg 2090	34 MoReg 310	
2 CSR 90-10.013	Weights and Measures		33 MoReg 2091	34 MoReg 311	
2 CSR 90-10.014	Weights and Measures		33 MoReg 2091	34 MoReg 311	
2 CSR 90-10.016	Weights and Measures		33 MoReg 2092	34 MoReg 311	
2 CSR 90-10.017	Weights and Measures		33 MoReg 2092R	34 MoReg 311R	
2 CSR 90-10.020	Weights and Measures		33 MoReg 2093	34 MoReg 311	
2 CSR 90-10.040	Weights and Measures		33 MoReg 2093	34 MoReg 312	
2 CSR 90-10.100	Weights and Measures		33 MoReg 2094R	34 MoReg 312R	
2 CSR 100-2.020	Missouri Agricultural and Small Business Development Authority		This Issue		
2 CSR 100-2.030	Missouri Agricultural and Small Business Development Authority		This Issue		
2 CSR 100-2.040	Missouri Agricultural and Small Business Development Authority		This Issue		
2 CSR 100-10.010	Missouri Agricultural and Small Business Development Authority		This Issue		
	DEPARTMENT OF CONSERVATION				
3 CSR 10-4.111	Conservation Commission		33 MoReg 2094	34 MoReg 236	
3 CSR 10-4.113	Conservation Commission		33 MoReg 2094	34 MoReg 236	
3 CSR 10-4.117	Conservation Commission		33 MoReg 2095	34 MoReg 237	
3 CSR 10-5.205	Conservation Commission		33 MoReg 2095		
3 CSR 10-5.215	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.220	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.222	Conservation Commission		33 MoReg 2097		
3 CSR 10-5.225	Conservation Commission		33 MoReg 2098		
3 CSR 10-5.300	Conservation Commission		33 MoReg 2100	34 MoReg 544	
3 CSR 10-5.310	Conservation Commission		33 MoReg 2100		
3 CSR 10-5.315	Conservation Commission		33 MoReg 2100	34 MoReg 544W	
3 CSR 10-5.320	Conservation Commission		33 MoReg 2101		
3 CSR 10-5.321	Conservation Commission		33 MoReg 2101	34 MoReg 544W	
3 CSR 10-5.322	Conservation Commission		33 MoReg 2101	34 MoReg 544W	
3 CSR 10-5.323	Conservation Commission		33 MoReg 2101	34 MoReg 545W	
3 CSR 10-5.330	Conservation Commission		33 MoReg 2102	34 MoReg 545W	
3 CSR 10-5.340	Conservation Commission		33 MoReg 2104	34 MoReg 545W	
3 CSR 10-5.345	Conservation Commission		33 MoReg 2106	34 MoReg 545W	
3 CSR 10-5.351	Conservation Commission		33 MoReg 2108	34 MoReg 546W	
3 CSR 10-5.352	Conservation Commission		33 MoReg 2110	34 MoReg 546W	
3 CSR 10-5.359	Conservation Commission		33 MoReg 2112	34 MoReg 546W	
3 CSR 10-5.360	Conservation Commission		33 MoReg 2114	34 MoReg 546W	
3 CSR 10-5.365	Conservation Commission		33 MoReg 2116	34 MoReg 546W	
3 CSR 10-5.370	Conservation Commission		33 MoReg 2118	34 MoReg 547W	
3 CSR 10-5.375	Conservation Commission		33 MoReg 2120	34 MoReg 547W	
3 CSR 10-5.420	Conservation Commission		33 MoReg 2122R		
3 CSR 10-5.425	Conservation Commission		33 MoReg 2122	34 MoReg 547W	
3 CSR 10-5.430	Conservation Commission		33 MoReg 2124		
3 CSR 10-5.435	Conservation Commission		33 MoReg 2126	34 MoReg 547W	
3 CSR 10-5.436	Conservation Commission		33 MoReg 2128		
3 CSR 10-5.440	Conservation Commission		33 MoReg 2130	34 MoReg 547W	
3 CSR 10-5.445	Conservation Commission		33 MoReg 2132	34 MoReg 548W	
3 CSR 10-5.540	Conservation Commission		33 MoReg 2134		
3 CSR 10-5.545	Conservation Commission		33 MoReg 2136		
3 CSR 10-5.551	Conservation Commission		33 MoReg 2138		
3 CSR 10-5.552	Conservation Commission		33 MoReg 2140		
3 CSR 10-5.554	Conservation Commission		33 MoReg 2142		
3 CSR 10-5.559	Conservation Commission		33 MoReg 2144		

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3 CSR 10-5.560	Conservation Commission		33 MoReg 2146		
3 CSR 10-5.565	Conservation Commission		33 MoReg 2148		
3 CSR 10-5.567	Conservation Commission		33 MoReg 2150		
3 CSR 10-5.570	Conservation Commission		33 MoReg 2152		
3 CSR 10-5.576	Conservation Commission		33 MoReg 2154R		
3 CSR 10-5.579	Conservation Commission		33 MoReg 2156R		
3 CSR 10-5.580	Conservation Commission		33 MoReg 2158R		
3 CSR 10-6.410	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.415	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.530	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.533	Conservation Commission		33 MoReg 2160	34 MoReg 548	
3 CSR 10-6.540	Conservation Commission		33 MoReg 2161	34 MoReg 549	
3 CSR 10-6.550	Conservation Commission		33 MoReg 2161	34 MoReg 549	
3 CSR 10-6.615	Conservation Commission		33 MoReg 2162	34 MoReg 549	
3 CSR 10-6.620	Conservation Commission		33 MoReg 2162	34 MoReg 549	
3 CSR 10-7.405	Conservation Commission		33 MoReg 2162	34 MoReg 549	
3 CSR 10-7.410	Conservation Commission		33 MoReg 2162	34 MoReg 550	
3 CSR 10-7.431	Conservation Commission		33 MoReg 2163	34 MoReg 550	
3 CSR 10-7.433	Conservation Commission		33 MoReg 2163	34 MoReg 550	
3 CSR 10-7.434	Conservation Commission		33 MoReg 2164	34 MoReg 551	
3 CSR 10-7.437	Conservation Commission		33 MoReg 2165	34 MoReg 551	
3 CSR 10-7.455	Conservation Commission		33 MoReg 2165		34 MoReg 241
3 CSR 10-8.515	Conservation Commission		33 MoReg 2166	34 MoReg 551	
3 CSR 10-9.110	Conservation Commission		33 MoReg 2166	34 MoReg 552	
3 CSR 10-9.353	Conservation Commission		33 MoReg 2168	34 MoReg 552	
3 CSR 10-9.359	Conservation Commission		33 MoReg 2168	34 MoReg 552	
3 CSR 10-9.415	Conservation Commission		33 MoReg 2168	34 MoReg 552	
3 CSR 10-9.425	Conservation Commission		33 MoReg 2169	34 MoReg 552	
3 CSR 10-9.565	Conservation Commission		33 MoReg 2169	34 MoReg 552	
3 CSR 10-9.566	Conservation Commission		33 MoReg 2170	34 MoReg 553	
3 CSR 10-9.575	Conservation Commission		33 MoReg 2170	34 MoReg 553	
3 CSR 10-9.628	Conservation Commission		33 MoReg 2171	34 MoReg 553	
3 CSR 10-10.711	Conservation Commission		33 MoReg 2171	34 MoReg 553W	
3 CSR 10-10.715	Conservation Commission		33 MoReg 2173	34 MoReg 553	
3 CSR 10-10.716	Conservation Commission		33 MoReg 2173	34 MoReg 553	
3 CSR 10-10.722	Conservation Commission		33 MoReg 2173		
3 CSR 10-10.724	Conservation Commission		33 MoReg 2174		
3 CSR 10-10.725	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.726	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.727	Conservation Commission		33 MoReg 2176		
3 CSR 10-10.728	Conservation Commission		33 MoReg 2177		
3 CSR 10-10.735	Conservation Commission		33 MoReg 2179	34 MoReg 554	
3 CSR 10-10.767	Conservation Commission		33 MoReg 2179	34 MoReg 554	
3 CSR 10-10.784	Conservation Commission		33 MoReg 2179	34 MoReg 554	
3 CSR 10-10.787	Conservation Commission		33 MoReg 2180	34 MoReg 554	
3 CSR 10-11.110	Conservation Commission		33 MoReg 2180	34 MoReg 554	
3 CSR 10-11.115	Conservation Commission		33 MoReg 2180	34 MoReg 554	
3 CSR 10-11.140	Conservation Commission		33 MoReg 2181	34 MoReg 555	
3 CSR 10-11.150	Conservation Commission		33 MoReg 2181	34 MoReg 555	
3 CSR 10-11.160	Conservation Commission		33 MoReg 2182	34 MoReg 555	
3 CSR 10-11.165	Conservation Commission		33 MoReg 2182	34 MoReg 555	
3 CSR 10-11.180	Conservation Commission		33 MoReg 2182	34 MoReg 555	
3 CSR 10-11.184	Conservation Commission		33 MoReg 2185	34 MoReg 555	
3 CSR 10-11.205	Conservation Commission		33 MoReg 2185	34 MoReg 556	
3 CSR 10-11.210	Conservation Commission		33 MoReg 2186	34 MoReg 556	
3 CSR 10-11.215	Conservation Commission		33 MoReg 2186	34 MoReg 556	
3 CSR 10-12.110	Conservation Commission		33 MoReg 2187	34 MoReg 556	
3 CSR 10-12.115	Conservation Commission		33 MoReg 2187	34 MoReg 556	
3 CSR 10-12.125	Conservation Commission		33 MoReg 2188	34 MoReg 557	
3 CSR 10-12.135	Conservation Commission		33 MoReg 2189	34 MoReg 557	
3 CSR 10-12.140	Conservation Commission		33 MoReg 2189	34 MoReg 557	
3 CSR 10-12.145	Conservation Commission		33 MoReg 2190	34 MoReg 557	
3 CSR 10-20.805	Conservation Commission		33 MoReg 2191		
	DEPARTMENT OF ECONOMIC DEVELOPMENT				
4 CSR 240-3.162	Public Service Commission		34 MoReg 187 This Issue		34 MoReg 240RAN
4 CSR 240-20.091	Public Service Commission		34 MoReg 196 This Issue		34 MoReg 240RAN
4 CSR 240-33.170	Public Service Commission		33 MoReg 1942	This Issue	
	DEPARTMENT OF ELEMENTARY AND SECONDARY EDUCATION				
5 CSR 30-261.025	Division of Administrative and Financial Services		33 MoReg 1946		
5 CSR 30-640.100	Division of Administrative and Financial Services		34 MoReg 113		
5 CSR 80-800.200	Teacher Quality and Urban Education		34 MoReg 368		
5 CSR 80-800.220	Teacher Quality and Urban Education		34 MoReg 368		
5 CSR 80-800.230	Teacher Quality and Urban Education		34 MoReg 369		
5 CSR 80-800.260	Teacher Quality and Urban Education		34 MoReg 369		

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5 CSR 80-800.270	Teacher Quality and Urban Education		34 MoReg 370		
5 CSR 80-800.280	Teacher Quality and Urban Education		34 MoReg 370		
5 CSR 80-800.350	Teacher Quality and Urban Education		34 MoReg 370		
5 CSR 80-800.360	Teacher Quality and Urban Education		34 MoReg 372		
5 CSR 80-800.380	Teacher Quality and Urban Education		34 MoReg 372		
	DEPARTMENT OF HIGHER EDUCATION				
6 CSR 10-2.010	Commissioner of Higher Education		34 MoReg 115R		
6 CSR 10-2.020	Commissioner of Higher Education		34 MoReg 115R		
6 CSR 10-2.080	Commissioner of Higher Education		34 MoReg 115		
6 CSR 10-2.140	Commissioner of Higher Education		34 MoReg 119		
6 CSR 10-2.150	Commissioner of Higher Education		34 MoReg 121		
6 CSR 10-2.160	Commissioner of Higher Education		34 MoReg 122		
6 CSR 10-2.170	Commissioner of Higher Education		34 MoReg 124		
	DEPARTMENT OF TRANSPORTATION				
7 CSR 10-23.010	Missouri Highways and Transportation Commission		33 MoReg 2426		
7 CSR 10-23.020	Missouri Highways and Transportation Commission		33 MoReg 2427		
7 CSR 10-23.030	Missouri Highways and Transportation Commission		33 MoReg 2428		
7 CSR 10-25.010	Missouri Highways and Transportation Commission				34 MoReg 314
	DEPARTMENT OF LABOR AND INDUSTRIAL RELATIONS				
8 CSR 10-2.020	Division of Employment Security		33 MoReg 1865	34 MoReg 312	
8 CSR 10-5.010	Division of Employment Security		33 MoReg 1865	This IssueW	
8 CSR 10-5.015	Division of Employment Security		33 MoReg 1866	This IssueW	
8 CSR 10-5.030	Division of Employment Security		33 MoReg 1868	This IssueW	
8 CSR 10-5.040	Division of Employment Security		33 MoReg 1869	This IssueW	
8 CSR 10-5.050	Division of Employment Security		33 MoReg 1869	This IssueW	
8 CSR 30-4.010	Division of Labor Standards		33 MoReg 1710R 33 MoReg 1710	34 MoReg 237R 34 MoReg 237	
8 CSR 30-4.020	Division of Labor Standards		33 MoReg 1711R 33 MoReg 1711	34 MoReg 237R 34 MoReg 237	
8 CSR 30-4.030	Division of Labor Standards		33 MoReg 1712R	34 MoReg 237R	
8 CSR 30-4.040	Division of Labor Standards		33 MoReg 1712	34 MoReg 238	
8 CSR 30-4.060	Division of Labor Standards		33 MoReg 1712	34 MoReg 238	
	DEPARTMENT OF MENTAL HEALTH				
9 CSR 10-5.200	Director, Department of Mental Health		34 MoReg 12		
9 CSR 10-5.230	Director, Department of Mental Health		34 MoReg 14		
9 CSR 30-4.0431	Certification Standards		33 MoReg 1804	34 MoReg 557	
	DEPARTMENT OF NATURAL RESOURCES				
10 CSR 10-5.290	Air Conservation Commission		33 MoReg 1805R		
10 CSR 10-5.381	Air Conservation Commission		33 MoReg 1946		
10 CSR 10-5.430	Air Conservation Commission		33 MoReg 1661R	34 MoReg 312R	
10 CSR 10-5.570	Air Conservation Commission		34 MoReg 199		
10 CSR 10-6.045	Air Conservation Commission		34 MoReg 205		
10 CSR 10-6.060	Air Conservation Commission		33 MoReg 2192		
10 CSR 10-6.061	Air Conservation Commission		33 MoReg 1960		
10 CSR 10-6.100	Air Conservation Commission		33 MoReg 2204		
10 CSR 10-6.120	Air Conservation Commission		34 MoReg 206		
10 CSR 10-6.260	Air Conservation Commission		34 MoReg 208		
10 CSR 10-6.320	Air Conservation Commission		34 MoReg 212R		
10 CSR 10-6.350	Air Conservation Commission		33 MoReg 2315		
10 CSR 10-6.360	Air Conservation Commission		33 MoReg 2316		
10 CSR 10-6.400	Air Conservation Commission		33 MoReg 1870		
10 CSR 10-6.410	Air Conservation Commission		33 MoReg 2206		
10 CSR 20-6.200	Clean Water Commission		34 MoReg 377		
10 CSR 20-7.031	Clean Water Commission	33 MoReg 2415	34 MoReg 379		
10 CSR 20-7.050	Clean Water Commission	33 MoReg 1855	33 MoReg 1870		
10 CSR 25-3.260	Hazardous Waste Management Commission		33 MoReg 2207		
10 CSR 25-4.261	Hazardous Waste Management Commission		33 MoReg 2209		
10 CSR 25-5.262	Hazardous Waste Management Commission		33 MoReg 2210		
10 CSR 25-6.263	Hazardous Waste Management Commission		33 MoReg 2214		
10 CSR 25-7.264	Hazardous Waste Management Commission		33 MoReg 2215		
10 CSR 25-7.265	Hazardous Waste Management Commission		33 MoReg 2219		
10 CSR 25-7.266	Hazardous Waste Management Commission		33 MoReg 2222		
10 CSR 25-7.268	Hazardous Waste Management Commission		33 MoReg 2223		
10 CSR 25-7.270	Hazardous Waste Management Commission		33 MoReg 2223		
10 CSR 25-11.279	Hazardous Waste Management Commission		33 MoReg 2225		
10 CSR 25-12.010	Hazardous Waste Management Commission		33 MoReg 2226		
10 CSR 25-13.010	Hazardous Waste Management Commission		33 MoReg 2228		
10 CSR 25-16.273	Hazardous Waste Management Commission		33 MoReg 2230		
10 CSR 25-18.010	Hazardous Waste Management Commission		34 MoReg 527		
10 CSR 60-2.015	Safe Drinking Water Commission		33 MoReg 1964		
10 CSR 60-4.052	Safe Drinking Water Commission		33 MoReg 1967		
10 CSR 60-4.090	Safe Drinking Water Commission		33 MoReg 1991		
10 CSR 60-4.092	Safe Drinking Water Commission		33 MoReg 1996		
10 CSR 60-4.094	Safe Drinking Water Commission		33 MoReg 1996		
10 CSR 60-5.010	Safe Drinking Water Commission		33 MoReg 2006		

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10 CSR 60-7.010	Safe Drinking Water Commission		33 MoReg 2006		
10 CSR 60-8.010	Safe Drinking Water Commission		33 MoReg 2010		
10 CSR 60-8.030	Safe Drinking Water Commission		33 MoReg 2014		
10 CSR 60-9.010	Safe Drinking Water Commission		33 MoReg 2018		
10 CSR 70-9.010	Soil and Water Districts Commission		33 MoReg 1722		
10 CSR 140-2	Division of Energy				33 MoReg 1103 33 MoReg 1193
	DEPARTMENT OF PUBLIC SAFETY				
11 CSR 40-2.025	Division of Fire Safety	34 MoReg 175	34 MoReg 212		
11 CSR 45-1.090	Missouri Gaming Commission	33 MoReg 2303	33 MoReg 2317	This Issue	
11 CSR 45-5.053	Missouri Gaming Commission	33 MoReg 2303	33 MoReg 2318	This Issue	
11 CSR 45-5.100	Missouri Gaming Commission		33 MoReg 2318	This Issue	
11 CSR 45-6.040	Missouri Gaming Commission	33 MoReg 2304R	33 MoReg 2319R	This IssueR	
11 CSR 45-8.120	Missouri Gaming Commission	33 MoReg 2304	33 MoReg 2319	This Issue	
11 CSR 45-9.010	Missouri Gaming Commission		33 MoReg 2320	This Issue	
11 CSR 45-9.020	Missouri Gaming Commission		33 MoReg 2320	This Issue	
11 CSR 45-9.030	Missouri Gaming Commission	33 MoReg 2305	33 MoReg 2320	This Issue	
11 CSR 45-9.040	Missouri Gaming Commission	33 MoReg 2305	33 MoReg 2322	This Issue	
11 CSR 45-11.020	Missouri Gaming Commission	33 MoReg 2306	33 MoReg 2323	This Issue	
11 CSR 45-11.050	Missouri Gaming Commission	33 MoReg 2306	33 MoReg 2326	This Issue	
11 CSR 80-5.010	Missouri State Water Patrol		34 MoReg 282		
11 CSR 85-1.010	Veterans' Affairs		34 MoReg 284		
11 CSR 85-1.015	Veterans' Affairs		34 MoReg 285		
11 CSR 85-1.020	Veterans' Affairs		34 MoReg 285		
11 CSR 85-1.040	Veterans' Affairs		34 MoReg 286		
11 CSR 85-1.050	Veterans' Affairs		34 MoReg 286		
	DEPARTMENT OF REVENUE				
12 CSR 10-7.170	Director of Revenue		33 MoReg 2018R	34 MoReg 558R	
12 CSR 10-7.250	Director of Revenue		33 MoReg 2018R	34 MoReg 558R	
12 CSR 10-7.260	Director of Revenue		33 MoReg 2019R	34 MoReg 558R	
12 CSR 10-7.320	Director of Revenue		34 MoReg 215R		
12 CSR 10-16.170	Director of Revenue		34 MoReg 215R		
12 CSR 10-23.100	Director of Revenue		33 MoReg 2232	34 MoReg 559	
12 CSR 10-41.010	Director of Revenue	33 MoReg 2307	33 MoReg 2326		
12 CSR 10-43.030	Director of Revenue		33 MoReg 2019	34 MoReg 559	
12 CSR 10-103.380	Director of Revenue		33 MoReg 2020R	34 MoReg 559R	
12 CSR 30-3.010	State Tax Commission		33 MoReg 2235		
	DEPARTMENT OF SOCIAL SERVICES				
13 CSR 30-3.010	Child Support Enforcement *(Changed to 13 CSR 40-3.010)*		34 MoReg 16		
13 CSR 30-3.020	Child Support Enforcement *(Changed to 13 CSR 40-3.020)*		34 MoReg 16		
13 CSR 40-2.390	Family Support Division	33 MoReg 1941	33 MoReg 2021		
13 CSR 40-3.010	Family Support Division *(Changed from 13 CSR 30-3.010)*		34 MoReg 16		
13 CSR 40-3.020	Family Support Division *(Changed from 13 CSR 30-3.020)*		34 MoReg 16		
13 CSR 70-3.190	MO HealthNet Division		This Issue		
13 CSR 70-4.120	MO HealthNet Division		33 MoReg 440		
13 CSR 70-10.016	MO HealthNet Division	33 MoReg 2083	33 MoReg 1429	33 MoReg 2370	
13 CSR 70-15.200	MO HealthNet Division		33 MoReg 2430		
13 CSR 70-20.320	MO HealthNet Division	33 MoReg 1856	33 MoReg 1871	This Issue	
13 CSR 70-30.010	MO HealthNet Division		33 MoReg 2331		
13 CSR 70-60.010	MO HealthNet Division		34 MoReg 286		
13 CSR 70-70.010	MO HealthNet Division		33 MoReg 2235		
13 CSR 70-98.015	MO HealthNet Division		33 MoReg 2331		
	ELECTED OFFICIALS				
15 CSR 30-10.110	Secretary of State	33 MoReg 1857	33 MoReg 1874	34 MoReg 238	
	RETIREMENT SYSTEMS				
16 CSR 50-2.090	The County Employees' Retirement Fund		34 MoReg 215		
16 CSR 50-2.120	The County Employees' Retirement Fund		33 MoReg 1877	34 MoReg 238	
16 CSR 50-3.010	The County Employees' Retirement Fund		34 MoReg 216		
16 CSR 50-10.010	The County Employees' Retirement Fund		34 MoReg 217		
16 CSR 50-10.030	The County Employees' Retirement Fund		34 MoReg 217		
16 CSR 50-10.050	The County Employees' Retirement Fund		33 MoReg 1877	34 MoReg 238	
16 CSR 50-20.020	The County Employees' Retirement Fund		34 MoReg 218		
16 CSR 50-20.120	The County Employees' Retirement Fund		34 MoReg 218		
	DEPARTMENT OF HEALTH AND SENIOR SERVICES				
19 CSR 20-3.070	Division of Community and Public Health		33 MoReg 2331R 33 MoReg 2332		
19 CSR 20-3.080	Division of Community and Public Health		33 MoReg 2337		

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19 CSR 20-28.010	Division of Community and Public Health		33 MoReg 2023	34 MoReg 312	
19 CSR 20-28.030	Division of Community and Public Health		33 MoReg 2032R	34 MoReg 313R	
19 CSR 20-28.040	Division of Community and Public Health		33 MoReg 2032	34 MoReg 313	
19 CSR 20-44.010	Division of Community and Public Health		34 MoReg 288		
19 CSR 30-20.096	Division of Regulation and Licensure		33 MoReg 2343		
19 CSR 30-26.010	Division of Regulation and Licensure		33 MoReg 2348		
19 CSR 30-40.342	Division of Regulation and Licensure		34 MoReg 289		
19 CSR 30-40.600	Division of Regulation and Licensure		34 MoReg 296		
19 CSR 30-70.650	Division of Regulation and Licensure		33 MoReg 2356		
19 CSR 30-85.022	Division of Regulation and Licensure	34 MoReg 5	34 MoReg 17		
19 CSR 30-86.022	Division of Regulation and Licensure	34 MoReg 7	34 MoReg 29		
19 CSR 40-11.010	Division of Maternal, Child and Family Health	34 MoReg 271	34 MoReg 304		
19 CSR 60-50	Missouri Health Facilities Review Committee				34 MoReg 242
	DEPARTMENT OF INSURANCE, FINANCIAL INSTITUTIONS AND PROFESSIONAL REGISTRATION				
20 CSR	Construction Claims Binding Arbitration Cap				32 MoReg 667 33 MoReg 150 33 MoReg 2446
20 CSR	Medical Malpractice				30 MoReg 481 31 MoReg 616 32 MoReg 545
20 CSR	Sovereign Immunity Limits				30 MoReg 108 30 MoReg 2587 31 MoReg 2019 33 MoReg 150 33 MoReg 2446
20 CSR	State Legal Expense Fund Cap				32 MoReg 668 33 MoReg 150 33 MoReg 2446
20 CSR 100-1.060	Insurer Conduct		33 MoReg 1877		
20 CSR 100-1.070	Insurer Conduct		33 MoReg 1879		
20 CSR 200-1.116	Insurance Solvency and Company Regulation		33 MoReg 2358		
20 CSR 200-12.020	Insurance Solvency and Company Regulation		33 MoReg 2237		
20 CSR 400-1.170	Life, Annuities and Health	34 MoReg 175	34 MoReg 219		
20 CSR 400-2.200	Life, Annuities and Health		34 MoReg 542		
20 CSR 500-7.030	Property and Casualty	33 MoReg 2085	33 MoReg 2238		
20 CSR 500-7.080	Property and Casualty	33 MoReg 2085	33 MoReg 2238		
20 CSR 600-1.030	Statistical Reporting		33 MoReg 1882		
20 CSR 700-3.200	Insurance Licensing	34 MoReg 274	34 MoReg 309		
20 CSR 2030-5.030	Missouri Board for Architects, Professional Engineers, Professional Land Surveyors, and Landscape Architects		34 MoReg 45		
20 CSR 2065-1.030	Endowed Care Cemeteries		33 MoReg 1337	33 MoReg 2048	
20 CSR 2095-1.060	Committee for Professional Counselors		34 MoReg 45R 34 MoReg 45		
20 CSR 2095-1.062	Committee for Professional Counselors		34 MoReg 48		
20 CSR 2095-1.064	Committee for Professional Counselors		34 MoReg 52		
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20 CSR 2095-3.010	Committee for Professional Counselors		34 MoReg 71		
20 CSR 2110-2.010	Missouri Dental Board		34 MoReg 126		
20 CSR 2110-2.030	Missouri Dental Board		34 MoReg 126		
20 CSR 2110-2.050	Missouri Dental Board		34 MoReg 127		
20 CSR 2110-2.090	Missouri Dental Board		34 MoReg 127		
20 CSR 2110-2.130	Missouri Dental Board		34 MoReg 127		
20 CSR 2110-2.132	Missouri Dental Board		34 MoReg 128		
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20 CSR 2145-1.010	Missouri Board of Geologist Registration		34 MoReg 219		
20 CSR 2150-5.020	State Board of Registration for the Healing Arts		34 MoReg 128		
20 CSR 2165-2.010	Board of Examiners for Hearing Instrument Specialists		34 MoReg 220		
20 CSR 2165-2.025	Board of Examiners for Hearing Instrument Specialists		33 MoReg 1904	34 MoReg 239	
20 CSR 2165-2.030	Board of Examiners for Hearing Instrument Specialists		34 MoReg 224		
20 CSR 2165-2.040	Board of Examiners for Hearing Instrument Specialists		34 MoReg 225		
20 CSR 2235-1.045	State Committee of Psychologists		34 MoReg 225		
20 CSR 2235-2.060	State Committee of Psychologists		34 MoReg 225		
20 CSR 2267-2.030	Office of Tattooing, Body Piercing, and Branding		34 MoReg 226		
20 CSR 2267-2.031	Office of Tattooing, Body Piercing, and Branding		34 MoReg 228		
20 CSR 2270-2.031	Missouri Veterinary Medical Board		34 MoReg 71		
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	MISSOURI CONSOLIDATED HEALTH CARE PLAN				
22 CSR 10-2.050	Health Care Plan	34 MoReg 176	34 MoReg 232		
22 CSR 10-2.053	Health Care Plan	34 MoReg 177	34 MoReg 232		
22 CSR 10-2.060	Health Care Plan	34 MoReg 178	34 MoReg 233		
22 CSR 10-2.075	Health Care Plan	34 MoReg 178	34 MoReg 233		
22 CSR 10-3.030	Health Care Plan	34 MoReg 179	34 MoReg 234		
22 CSR 10-3.075	Health Care Plan	34 MoReg 179	34 MoReg 235		

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Department of Agriculture				
Weights and Measures				
2 CSR 90-10.011	Inspection Authority—Duties	33 MoReg 2081	Oct. 25, 2008	April 22, 2009
2 CSR 90-10.012	Registration—Training	33 MoReg 2082	Oct. 25, 2008	April 22, 2009
Department of Natural Resources				
Clean Water Commission				
10 CSR 20-7.031	Water Quality Standards	33 MoReg 2415	Nov. 22, 2008	May 20, 2009
10 CSR 20-7.050	Methodology for Development of Impaired Waters List	33 MoReg 1855	Jan. 2, 2009	June 30, 2009
Department of Public Safety				
Division of Fire Safety				
11 CSR 40-2.025	Installation Permits	34 MoReg 175	Jan. 1, 2009	June 29, 2009
Missouri Gaming Commission				
11 CSR 45-1.090	Definitions	33 MoReg 2303	Nov. 15, 2008	May 13, 2009
11 CSR 45-5.053	Policies	33 MoReg 2303	Nov. 15, 2008	May 13, 2009
11 CSR 45-6.040	Five Hundred Dollar-Loss Limit	33 MoReg 2304	Nov. 15, 2008	May 13, 2009
11 CSR 45-8.120	Handling of Cash at Gaming Tables	33 MoReg 2304	Nov. 15, 2008	May 13, 2009
11 CSR 45-9.030	Minimum Internal Control Standards	33 MoReg 2305	Nov. 15, 2008	May 13, 2009
11 CSR 45-9.040	Commission Approval of Internal Control System	33 MoReg 2305	Nov. 15, 2008	May 13, 2009
11 CSR 45-11.020	Deposit Account—Taxes and Fees	33 MoReg 2306	Nov. 15, 2008	May 13, 2009
11 CSR 45-11.050	Admission Fee	33 MoReg 2306	Nov. 15, 2008	May 13, 2009
Department of Revenue				
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12 CSR 10-41.010	Annual Adjusted Rate of Interest	33 MoReg 2307	Jan. 1, 2009	June 29, 2009
Department of Social Services				
Family Support Division				
13 CSR 40-2.390	Transitional Employment Benefit	33 MoReg 1941	Oct. 3, 2008	March 31, 2009
MO HealthNet Division				
13 CSR 70-10.016	Global Per Diem Adjustments to Nursing Facilities and HIV Nursing Facility Reimbursement Rates	33 MoReg 2083	Oct. 13, 2008	April 10, 2009
13 CSR 70-20.320	Pharmacy Reimbursement Allowance	33 MoReg 1856	Sept. 22, 2008	March 20, 2009
Elected Officials				
Secretary of State				
15 CSR 30-10.110	Voting Machines (Electronic)—Manual Recount	33 MoReg 1857	Sept. 25, 2008	March 23, 2009
Attorney General				
15 CSR 60-15.010	Definitions	Next Issue	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.020	Form of Affidavit	Next Issue	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.030	Complaints	Next Issue	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.040	Investigation of Complaints	Next Issue	March 12, 2009	Sept. 7, 2009
15 CSR 60-15.050	Notification by Federal Government that Individual Is Not Authorized to Work	Next Issue	March 12, 2009	Sept. 7, 2009
Department of Health and Senior Services				
Division of Regulation and Licensure				
19 CSR 30-85.022	Fire Safety Standards for New and Existing Intermediate Care and Skilled Nursing Facilities	34 MoReg 5	Dec. 4, 2008	June 1, 2009
19 CSR 30-86.022	Fire Safety Standards for Residential Care Facilities and Assisted Living Facilities	34 MoReg 7	Dec. 4, 2008	June 1, 2009
Division of Maternal, Child and Family Health				
19 CSR 40-11.010	Payments for Vision Examinations	34 MoReg 271	Jan. 19, 2009	July 17, 2009

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Department of Insurance, Financial Institutions and Professional Registration				
Life, Annuities, and Health				
20 CSR 400-1.170	Recognition of Preferred Mortality Tables in Determining Minimum Reserve Liabilities and Nonforfeiture Benefits	34 MoReg 175	Dec. 31, 2008	June 28, 2009
Property and Casualty				
20 CSR 500-7.030	General Instructions	33 MoReg 2085	Jan. 1, 2009	June 29, 2009
20 CSR 500-7.080	Insurer's Annual On-site Review	33 MoReg 2085	Jan. 1, 2009	June 29, 2009
Insurance Licensing				
20 CSR 700-3.200	Continuing Education	34 MoReg 274	Jan. 18, 2009	July 16, 2009
Missouri Consolidated Health Care Plan				
Health Care Plan				
22 CSR 10-2.050	PPO and Co-Pay Benefit Provisions and Covered Charges	34 MoReg 176	Jan. 1, 2009	June 29, 2009
22 CSR 10-2.053	High Deductible Health Plan Benefit Provisions and Covered Charges	34 MoReg 177	Jan. 1, 2009	June 29, 2009
22 CSR 10-2.060	PPO, HDHP, and Co-Pay Limitations	34 MoReg 178	Jan. 1, 2009	June 29, 2009
22 CSR 10-2.075	Review and Appeals Procedure	34 MoReg 178	Jan. 1, 2009	June 29, 2009
22 CSR 10-3.030	Public Entity Membership Agreement and Participation Period	34 MoReg 179	Jan. 1, 2009	June 29, 2009
22 CSR 10-3.075	Review and Appeals Procedure	34 MoReg 179	Jan. 1, 2009	June 29, 2009

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	2009		
09-13	Extends Executive Order 09-04 and Executive Order 09-07 through March 31, 2009	February 25, 2009	Next Issue
09-12	Creates and establishes the Transform Missouri Initiative	February 20, 2009	Next Issue
09-11	Orders the Department of Health and Senior Services and the Department of Social Services to transfer the Blindness Education, Screening and Treatment Program (BEST) to the Department of Economic Development	February 4, 2009	This Issue
09-10	Orders the Department of Elementary and Secondary Education and the Department of Economic Development to transfer the Missouri Customized Training Program to the Department of Economic Development	February 4, 2009	This Issue
09-09	Transfers the various scholarship programs under the Departments of Agriculture, Elementary and Secondary Education, Higher Education, and Natural Resources to the Department of Higher Education	February 4, 2009	This Issue
09-08	Designates members of the governor's staff as having supervisory authority over departments, divisions, or agencies	February 2, 2009	34 MoReg 366
09-07	Gives the director of the Missouri Department of Natural Resources the authority to temporarily suspend regulations in the aftermath of severe weather that began on January 26	January 30, 2009	34 MoReg 364
09-06	Activates the state militia in response to the aftermath of severe storms that began on January 26	January 28, 2009	34 MoReg 362
09-05	Establishes a Complete Count Committee for the 2010 Census	January 27, 2009	34 MoReg 359
09-04	Declares a state of emergency and activates the Missouri State Emergency Operations Plan	January 26, 2009	34 MoReg 357
09-03	Directs the Missouri Department of Economic Development, working with the Missouri Development Finance Board, to create a pool of funds designated for low-interest and no-interest direct loans for small business	January 13, 2009	34 MoReg 281
09-02	Creates the Economic Stimulus Coordination Council	January 13, 2009	34 MoReg 279
09-01	Creates the Missouri Automotive Jobs Task Force	January 13, 2009	34 MoReg 277
	2008		
08-41	Extends Executive Order 07-31 until January 12, 2009	January 9, 2009	34 MoReg 275
08-40	Extends Executive Order 07-01 until January 1, 2010	December 17, 2008	34 MoReg 181
08-39	Closes state offices in Cole County on Monday, January 12, 2009	December 3, 2008	34 MoReg 11
08-38	Amends Executive Order 03-17 to revise the composition of the committee to include the Divisional Commander of the Midland Division of the Salvation Army or his or her designee	November 25, 2008	34 MoReg 10
08-37	Orders the Department of Natural Resources to develop a voluntary certification program to identify environmentally responsible practices in Missouri's lodging industries	November 13, 2008	33 MoReg 2424
08-36	Orders the departments and agencies of the Executive Branch of Missouri state government to adopt a Pandemic Flu Share Leave Program	October 23, 2008	33 MoReg 2313
08-35	Creates the Division of Developmental Disabilities and abolishes the Division of Mental Retardation and Developmental Disabilities within the Department of Mental Health	October 16, 2008	33 MoReg 2311
08-34	Establishes the Complete Count Committee to ensure an accurate count of Missouri citizens during the 2010 Census	October 21, 2008	33 MoReg 2309
08-33	Advises that state offices will be closed on Friday, December 26, 2008	October 29, 2008	33 MoReg 2308
08-32	Advises that state offices will be closed on Friday, November 28, 2008	October 2, 2008	33 MoReg 2088
08-31	Declares that a state of emergency exists in the state of Missouri and directs that the Missouri State Emergency Operations Plan be activated	September 15, 2008	33 MoReg 1863
08-30	Directs the Adjutant General call and order into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri, to protect life and property, and to support civilian authorities	September 15, 2008	33 MoReg 1861
08-29	Transfers the Breath Alcohol Program back to the Department of Health and Senior Services from the Department of Transportation by Type I transfer	September 12, 2008	33 MoReg 1859

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08-28	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	August 30, 2008	33 MoReg 1801
08-27	Declares that Missouri will implement the Emergency Management Assistance Compact with Louisiana in evacuating disaster victims associated with Hurricane Gustav from that state to the state of Missouri	August 30, 2008	33 MoReg 1799
08-26	Extends the order contained in Executive Orders 08-21, 08-23, and 08-25	August 29, 2008	33 MoReg 1797
08-25	Extends the order contained in Executive Orders 08-21 and 08-23	July 28, 2008	33 MoReg 1658
08-24	Extends the declaration of emergency contained in Executive Order 08-20 and the terms of Executive Order 08-19	July 11, 2008	33 MoReg 1546
08-23	Extends the declaration of emergency contained in Executive Order 08-21	July 11, 2008	33 MoReg 1545
08-22	Designates members of staff with supervisory authority over selected state agencies	July 3, 2008	33 MoReg 1543
08-21	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	June 20, 2008	33 MoReg 1389
08-20	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	June 11, 2008	33 MoReg 1331
08-19	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	June 11, 2008	33 MoReg 1329
08-18	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	May 13, 2008	33 MoReg 1131
08-17	Extends the declaration of emergency contained in Executive Order 08-14 and the terms of Executive Order 08-15	April 29, 2008	33 MoReg 1071
08-15	Calls organized militia into active service	April 1, 2008	33 MoReg 905
08-14	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	April 1, 2008	33 MoReg 903
08-13	Expands the number of state employees allowed to participate in the Missouri Mentor Initiative	March 27, 2008	33 MoReg 901
08-12	Authorizes the Department of Natural Resources to temporarily waive or suspend rules during the period of the emergency	March 21, 2008	33 MoReg 899
08-11	Calls organized militia into active service	March 18, 2008	33 MoReg 897
08-10	Declares a state of emergency exists and directs the Missouri State Emergency Operations Plan be activated	March 18, 2008	33 MoReg 895
08-09	Establishes the Missouri Civil War Sesquicentennial Commission	March 6, 2008	33 MoReg 783
08-08	Gives Department of Natural Resources authority to suspend regulations in the aftermath of severe weather that began on February 10, 2008	February 20, 2008	33 MoReg 715
08-07	Declares that a state of emergency exists in the state of Missouri.	February 12, 2008	33 MoReg 625
08-06	Orders and directs the Adjutant General of the state of Missouri, or his designee, to call and order forthwith into active service such portions of the organized militia as he deems necessary to aid the executive officials of Missouri to protect life and property	February 12, 2008	33 MoReg 623
08-05	Extends Executive Orders, 07-34, 07-36 and 07-39 through March 15, 2008 for the purpose of continuing the cleanup efforts in affected communities	February 11, 2008	33 MoReg 621
08-04	Transfers authority of the sexual assault evidentiary kit and exam payment program from the Department of Health and Senior Services to Department of Public Safety by Type 1 transfer	February 6, 2008	33 MoReg 619
08-03	Activates the state militia in response to the aftermath of severe storms that began on January 7, 2008	January 11, 2008	33 MoReg 405
08-02	Activates the Missouri State Emergency Operations Plan in the aftermath of severe weather that began on January 7, 2008	January 11, 2008	33 MoReg 403
08-01	Establishes the post of Missouri Poet Laureate	January 8, 2008	33 MoReg 401

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